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114TH CONGRESS
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S. 425

[Report No. 114–395]

To amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2015

Mr. BOOZMAN (for himself, Mr. TESTER, Mr. INHOFE, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

DECEMBER 7, 2016

Reported by Mr. ISAKSON, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Homeless Veterans’
3 Reintegration Programs Reauthorization Act of 2015”.

4 **SEC. 2. REAUTHORIZATION OF DEPARTMENT OF VETERANS**
5 **AFFAIRS HOMELESS VETERANS REINTEGRA-**
6 **TION PROGRAMS.**

7 (a) FIVE-YEAR EXTENSION OF HOMELESS VET-
8 ERANS REINTEGRATION PROGRAMS.—Section 2021(c)(F)
9 of title 38, United States Code, is amended by striking
10 “2015” and inserting “2020”.

11 (b) FIVE-YEAR EXTENSION OF HOMELESS WOMEN
12 VETERANS AND HOMELESS VETERANS WITH CHILDREN
13 REINTEGRATION GRANT PROGRAM.—Section 2021A(f)(1)
14 of such title is amended by striking “2015” and inserting
15 “2020”.

16 (c) CLARIFICATION OF ELIGIBILITY FOR SERVICES
17 UNDER HOMELESS VETERANS REINTEGRATION PRO-
18 GRAMS.—Section 2021(a) of such title is amended by
19 striking “reintegration of homeless veterans into the labor
20 force.” and inserting the following: “reintegration into the
21 labor force of—”

22 “(1) homeless veterans;

23 “(2) veterans participating in the Department
24 of Veterans Affairs supported housing program for
25 which rental assistance is provided pursuant to sec-

tion ~~8(o)(19)~~ of the United States Housing Act of
1937 (~~42 U.S.C. 1437f(o)(19)~~);

~~“(3) Indians who are veterans and receiving as-~~
sistance under the Native American Housing Assist-
ance and Self Determination Act of 1996 (~~25 U.S.C.~~
~~4101 et seq.~~); and

~~“(4) veterans who are transitioning from being~~
incarcerated.”.

9 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

10 (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*
11 *erans Homeless Programs, Caregiver Services, and Other*
12 *Improvements Act of 2015”.*

13 (b) *TABLE OF CONTENTS.*—*The table of contents for*
14 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—BENEFITS

Sec. 101. Expedited payment of survivors benefits.

Sec. 102. Increase in special pension for Medal of Honor recipients.

TITLE II—EDUCATION MATTERS

Sec. 201. Restoration of entitlement to Post-9/11 Educational Assistance for vet-
erans affected by closures of educational institutions.

Sec. 202. Modification and improvement of transfer of unused Post-9/11 Edu-
cational Assistance to family members.

Sec. 203. Codification and improvement of election process for Post-9/11 Edu-
cational Assistance.

Sec. 204. Centralized reporting of veteran enrollment by certain groups, districts,
and consortiums of educational institutions.

Sec. 205. Improved role of State approving agencies in administration of veterans
educational benefits.

Sec. 206. Modification of criteria used to approve courses for purposes of veterans
educational benefits.

Sec. 207. Surveys for compliance of educational institutions and training estab-
lishments with requirements relating to administration of vet-
erans educational benefits.

Sec. 208. Modification of requirements for approval for purposes of educational assistance provided by Department of Veterans Affairs of programs designed to prepare individuals for licensure or certification.

Sec. 209. Expansion of Yellow Ribbon G.I. Education Enhancement Program.

Sec. 210. Consideration of certain time spent receiving medical care from Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance.

TITLE III—HOMELESS VETERANS MATTERS

Sec. 301. Expansion of definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs.

Sec. 302. Increased per diem payments for transitional housing assistance that becomes permanent housing for homeless veterans.

Sec. 303. Expansion of Department of Veterans Affairs authority to provide dental care to homeless veterans.

Sec. 304. Clarification of eligibility for services under homeless veterans reintegration programs.

Sec. 305. Program to improve retention of housing by formerly homeless veterans and veterans at risk of becoming homeless.

Sec. 306. Pilot program on provision of intensive case management interventions to homeless veterans who receive the most health care from the Department of Veterans Affairs.

Sec. 307. Establishment of National Center on Homelessness Among Veterans.

Sec. 308. Partnerships with public and private entities to provide legal services to homeless veterans and veterans at risk of homelessness.

Sec. 309. Administrative improvements to grant and per diem programs of Department of Veterans Affairs.

Sec. 310. Repeal of requirement for annual reports on assistance to homeless veterans.

Sec. 311. Comptroller General of the United States study on homeless veterans programs of Department of Veterans Affairs.

Sec. 312. Requirement for Department of Veterans Affairs to assess comprehensive service programs for homeless veterans.

Sec. 313. Report on outreach relating to increasing the amount of housing available to veterans.

TITLE IV—HEALTH CARE MATTERS

Sec. 401. Short title.

Subtitle A—Employment of Directors and Health Care Providers

Sec. 411. Extension of period for increase in graduate medical education residency positions at medical facilities of the Department of Veterans Affairs.

Sec. 412. Modification of hours of employment for physicians and physician assistants employed by the Department of Veterans Affairs.

Sec. 413. Requirement that physician assistants employed by the Department of Veterans Affairs receive competitive pay.

Sec. 414. Establishment of positions of Directors of Veterans Integrated Service Networks in Office of Under Secretary for Health of Department of Veterans Affairs and modification of qualifications for Medical Directors.

- Sec. 415. Pay for Medical Directors and Directors of Veterans Integrated Service Networks.*
- Sec. 416. Additional requirements for hiring of health care providers by Department of Veterans Affairs.*
- Sec. 417. Provision of information on health care providers of Department of Veterans Affairs to State medical boards.*
- Sec. 418. Report on compliance by Department of Veterans Affairs with reviews of health care providers leaving the Department or transferring to other facilities.*

Subtitle B—Opioid Therapy and Pain Management

- Sec. 421. Guidelines on management of opioid therapy by Department of Veterans Affairs and Department of Defense and implementation of such guidelines by Department of Veterans Affairs.*
- Sec. 422. Improvement of opioid safety measures by Department of Veterans Affairs.*
- Sec. 423. Enhancement of joint working group on pain management of the Department of Veterans Affairs and the Department of Defense.*
- Sec. 424. Establishment of pain management boards of Department of Veterans Affairs.*
- Sec. 425. Review, investigation, and report on use of opioids in treatment by Department of Veterans Affairs.*

Subtitle C—Patient Advocacy

- Sec. 431. Establishment of Office of Patient Advocacy of the Department of Veterans Affairs.*
- Sec. 432. Community meetings on improving care from Department of Veterans Affairs.*
- Sec. 433. Improvement of awareness of patient advocacy program and patient bill of rights of Department of Veterans Affairs.*
- Sec. 434. Comptroller General Report on Patient Advocacy Program of Department of Veterans Affairs.*

Subtitle D—Complementary and Integrative Health

- Sec. 441. Expansion of research and education on and delivery of complementary and integrative health to veterans.*
- Sec. 442. Pilot program on integration of complementary and integrative health within Department of Veterans Affairs medical centers.*

Subtitle E—Family Caregivers

- Sec. 451. Expansion of family caregiver program of Department of Veterans Affairs.*
- Sec. 452. Implementation of information technology system of Department of Veterans Affairs to assess and improve the family caregiver program.*
- Sec. 453. Modifications to annual evaluation report on caregiver program of Department of Veterans Affairs.*
- Sec. 454. Advisory committee on caregiver policy.*
- Sec. 455. Comprehensive study on seriously injured veterans and their caregivers.*

Subtitle F—Health Care Agreements

Sec. 461. Authorization of agreements between the Department of Veterans Affairs and non-Department extended care providers.

Sec. 462. Modification of authority to enter into agreements with State homes to provide nursing home care.

TITLE V—OTHER MATTERS

Sec. 501. Extension of temporary increase in number of judges on United States Court of Appeals for Veterans Claims.

Sec. 502. Repeal inapplicability of modification of basic allowance for housing to benefits under laws administered by Secretary of Veterans Affairs.

Sec. 503. Department of Veterans Affairs program of internal audits.

Sec. 504. Improvement of training for managers.

TITLE I—BENEFITS

SEC. 101. EXPEDITED PAYMENT OF SURVIVORS BENEFITS.

(a) IN GENERAL.—Section 5101(a)(1) of title 38, United States Code, is amended—

(1) by striking “A specific” and inserting “(A) Except as provided in subparagraph (B), a specific”; and

(2) by adding at the end the following new subparagraph:

“(B)(i) The Secretary may pay benefits under chapters 13 and 15 and sections 2302, 2307, and 5121 of this title to a survivor of a veteran who has not filed a formal claim if the Secretary determines that the record contains sufficient evidence to establish the entitlement of the survivor to such benefits.

“(ii) For purposes of this subparagraph and section 5110 of this title, the date on which the Secretary is notified of the death of the veteran shall be treated as the date of

1 *the receipt of the survivor's application for benefits de-*
 2 *scribed in clause (i).".*

3 *(b) EFFECTIVE DATE.—The amendments made by sub-*
 4 *section (a) shall apply with respect to claims for benefits*
 5 *based on a death occurring on or after the date of the enact-*
 6 *ment of this Act.*

7 **SEC. 102. INCREASE IN SPECIAL PENSION FOR MEDAL OF**
 8 **HONOR RECIPIENTS.**

9 *(a) IN GENERAL.—Section 1562(a) of title 38, United*
 10 *States Code, is amended by striking "\$1,000" and inserting*
 11 *"\$3,000".*

12 *(b) EFFECTIVE DATE.—*

13 *(1) IN GENERAL.—The amendment made by sub-*
 14 *section (a) shall take effect on the date that is—*

15 *(A) except as provided in subparagraph*
 16 *(B), one year after the date of the enactment of*
 17 *this Act; and*

18 *(B) in the case that the date that is one*
 19 *year after the date of the enactment of this Act*
 20 *is not the first day of a month, the first day of*
 21 *the first month beginning after the date that is*
 22 *one year after the date of the enactment of this*
 23 *Act.*

24 *(2) DELAY OF ANNUAL COST OF LIVING ADJUST-*
 25 *MENT.—*

(A) *IN GENERAL.*—*The Secretary shall not make an increase pursuant to section 1562(e) of such title effective December 1, 2016, if the amendment made by subsection (a) takes effect before such date.*

(B) *RESUMPTION.*—*In the case that the Secretary, pursuant to subparagraph (A), does not make an increase pursuant to section 1562(e) of such title effective December 1, 2016, the Secretary shall resume making increases pursuant to such section with the first such increase effective December 1, 2017.*

TITLE II—EDUCATION MATTERS

SEC. 201. RESTORATION OF ENTITLEMENT TO POST-9/11 EDUCATIONAL ASSISTANCE FOR VETERANS AFFECTED BY CLOSURES OF EDUCATIONAL INSTITUTIONS.

(a) *EDUCATIONAL ASSISTANCE.*—

(1) *IN GENERAL.*—*Section 3312 of title 38, United States Code, is amended by adding at the end the following new subsection:*

“(d) *DISCONTINUATION OF EDUCATION DUE TO CLOSURE OF EDUCATIONAL INSTITUTION.*—

“(1) *IN GENERAL.*—*Any payment of educational assistance described in paragraph (2) shall not—*

1 “(A) be charged against any entitlement to
2 educational assistance of the individual con-
3 cerned under this chapter; or

4 “(B) be counted against the aggregate pe-
5 riod for which section 3695 of this title limits the
6 individual’s receipt of educational assistance
7 under this chapter.

8 “(2) DESCRIPTION OF PAYMENT OF EDU-
9 CATIONAL ASSISTANCE.—Subject to paragraph (3),
10 the payment of educational assistance described in
11 this paragraph is the payment of such assistance to
12 an individual for pursuit of a course or courses under
13 this chapter if the Secretary finds that the indi-
14 vidual—

15 “(A) was forced to discontinue such course
16 pursuit as a result of a permanent closure of an
17 educational institution; and

18 “(B) did not receive credit, or lost training
19 time, toward completion of the program of edu-
20 cation being pursued at the time of such closure.

21 “(3) PERIOD FOR WHICH PAYMENT NOT
22 CHARGED.—The period for which, by reason of this
23 subsection, educational assistance is not charged
24 against entitlement or counted toward the applicable

1 *aggregate period under section 3695 of this title shall*
 2 *not exceed the aggregate of—*

3 “(A) *the portion of the period of enrollment*
 4 *in the course or courses from which the indi-*
 5 *vidual failed to receive credit or with respect to*
 6 *which the individual lost training time, as deter-*
 7 *mined under paragraph (2)(B), and*

8 “(B) *the period by which a monthly stipend*
 9 *is extended under section 3680(a)(2)(B) of this*
 10 *title.”.*

11 (2) *APPLICABILITY.*—*Subsection (d) of such sec-*
 12 *tion, as added by paragraph (1), shall apply with re-*
 13 *spect to courses and programs of education discon-*
 14 *tinued as described in paragraph (2) of such sub-*
 15 *section in fiscal year 2015 or any fiscal year there-*
 16 *after.*

17 (b) *MONTHLY HOUSING STIPEND.*—

18 (1) *IN GENERAL.*—*Section 3680(a) of such title*
 19 *is amended—*

20 (A) *by striking the matter after paragraph*
 21 *(3)(B);*

22 (B) *in paragraph (3), by redesignating sub-*
 23 *paragraphs (A) and (B) as clauses (i) and (ii),*
 24 *respectively;*

1 (C) by redesignating paragraphs (1)
 2 through (3) as subparagraphs (A) through (C),
 3 respectively;

4 (D) in the matter before subparagraph (A),
 5 as redesignated, in the first sentence, by striking
 6 “Payment of” and inserting “(1) Except as pro-
 7 vided in paragraph (2), payment of”; and

8 (E) by adding at the end the following new
 9 paragraph (2):

10 “(2) Notwithstanding paragraph (1), the Secretary
 11 may, pursuant to such regulations as the Secretary shall
 12 prescribe, continue to pay allowances to eligible veterans
 13 and eligible persons enrolled in courses set forth in para-
 14 graph (1)(A)—

15 “(A) during periods when schools are tempo-
 16 rarily closed under an established policy based on an
 17 Executive order of the President or due to an emer-
 18 gency situation, except that the total number of weeks
 19 for which allowances may continue to be so payable
 20 in any 12-month period may not exceed four weeks;
 21 or

22 “(B) solely for the purpose of awarding a month-
 23 ly housing stipend described in section 3313 of this
 24 title, during periods following a permanent school clo-

1 *sure, except that payment of such a stipend may only*
 2 *be continued until the earlier of—*

3 “(i) *the date of the end of the term, quarter,*
 4 *or semester during which the school closure oc-*
 5 *curred; and*

6 “(ii) *the date that is 4 months after the date*
 7 *of the school closure.”.*

8 (2) *CONFORMING AMENDMENT.—Paragraph*
 9 *(1)(C)(ii) of such section, as redesignated, is amended*
 10 *by striking “described in subclause (A) of this clause”*
 11 *and inserting “described in clause (i)”.*

12 **SEC. 202. MODIFICATION AND IMPROVEMENT OF TRANSFER**
 13 **OF UNUSED POST-9/11 EDUCATIONAL ASSIST-**
 14 **ANCE TO FAMILY MEMBERS.**

15 (a) *ELIGIBILITY REQUIREMENTS.—Subsection (b)(1)*
 16 *of section 3319 of title 38, United States Code, is amend-*
 17 *ed—*

18 (1) *by striking “six years” and inserting “ten*
 19 *years”; and*

20 (2) *by striking “four more years” and inserting*
 21 *“two more years”.*

22 (b) *COMMENCEMENT OF USE.—Subsection (g)(1)(A) of*
 23 *such section is amended by striking “six years” and insert-*
 24 *ing “ten years”.*

1 (c) *RATE OF PAYMENT.*—Subsection (h)(3)(B) of such
 2 section is amended by inserting before the period at the end
 3 the following: “, except that the amount of the monthly sti-
 4 pend described in subsection (c)(1)(B) or (g)(3)(A)(ii) of
 5 section 3313, as the case may be, shall be payable in an
 6 amount equal to 50 percent of the amount of such stipend
 7 that would otherwise be payable under this chapter to the
 8 individual making the transfer”.

9 (d) *TECHNICAL CORRECTION.*—Such section is further
 10 amended by striking “armed forces” each place it appears
 11 and inserting “Armed Forces”.

12 (e) *APPLICABILITY.*—The amendments made by sub-
 13 sections (a) through (c) shall apply with respect to an elec-
 14 tion to transfer entitlement under section 3319 of title 38,
 15 United States Code, that is made on or after the date that
 16 is 180 days after the date of the enactment of this Act.

17 **SEC. 203. CODIFICATION AND IMPROVEMENT OF ELECTION**

18 **PROCESS FOR POST-9/11 EDUCATIONAL AS-**

19 **SISTANCE.**

20 (a) *IN GENERAL.*—Subchapter III of chapter 33 of
 21 title 38, United States Code, is amended by adding at the
 22 end the following new section:

23 **“§ 3326. Election to receive educational assistance**

24 “(a) *INDIVIDUALS ELIGIBLE TO ELECT PARTICIPA-*
 25 *TION IN POST-9/11 EDUCATIONAL ASSISTANCE.*—An indi-

1 *vidual may elect to receive educational assistance under*
 2 *this chapter if such individual—*

3 *“(1) as of August 1, 2009—*

4 *“(A) is entitled to basic educational assist-*
 5 *ance under chapter 30 of this title and has used,*
 6 *but retains unused, entitlement under that chap-*
 7 *ter;*

8 *“(B) is entitled to educational assistance*
 9 *under chapter 107, 1606, or 1607 of title 10 and*
 10 *has used, but retains unused, entitlement under*
 11 *the applicable chapter;*

12 *“(C) is entitled to basic educational assist-*
 13 *ance under chapter 30 of this title but has not*
 14 *used any entitlement under that chapter;*

15 *“(D) is entitled to educational assistance*
 16 *under chapter 107, 1606, or 1607 of title 10 but*
 17 *has not used any entitlement under such chapter;*

18 *“(E) is a member of the Armed Forces who*
 19 *is eligible for receipt of basic educational assist-*
 20 *ance under chapter 30 of this title and is making*
 21 *contributions toward such assistance under sec-*
 22 *tion 3011(b) or 3012(c) of this title; or*

23 *“(F) is a member of the Armed Forces who*
 24 *is not entitled to basic educational assistance*
 25 *under chapter 30 of this title by reason of an*

1 *election under section 3011(c)(1) or 3012(d)(1) of*
 2 *this title; and*

3 “(2) *as of the date of the individual’s election*
 4 *under this paragraph, meets the requirements for en-*
 5 *titlement to educational assistance under this chapter.*

6 “(b) *CESSATION OF CONTRIBUTIONS TOWARD GI*
 7 *BILL.—Effective as of the first month beginning on or after*
 8 *the date of an election under subsection (a) of an individual*
 9 *described by paragraph (1)(E) of that subsection, the obliga-*
 10 *tion of the individual to make contributions under section*
 11 *3011(b) or 3012(c) of this title, as applicable, shall cease,*
 12 *and the requirements of such section shall be deemed to be*
 13 *no longer applicable to the individual.*

14 “(c) *REVOCATION OF REMAINING TRANSFERRED ENTI-*
 15 *TLEMENT.—*

16 “(1) *ELECTION TO REVOKE.—If, on the date an*
 17 *individual described in paragraph (1)(A) or (1)(C) of*
 18 *subsection (a) makes an election under that sub-*
 19 *section, a transfer of the entitlement of the individual*
 20 *to basic educational assistance under section 3020 of*
 21 *this title is in effect and a number of months of the*
 22 *entitlement so transferred remain unutilized, the in-*
 23 *dividual may elect to revoke all or a portion of the*
 24 *entitlement so transferred that remains unutilized.*

1 “(2) *AVAILABILITY OF REVOKED ENTITLE-*
 2 *MENT.—Any entitlement revoked by an individual*
 3 *under this paragraph shall no longer be available to*
 4 *the dependent to whom transferred, but shall be avail-*
 5 *able to the individual instead for educational assist-*
 6 *ance under chapter 33 of this title in accordance with*
 7 *the provisions of this section.*

8 “(3) *AVAILABILITY OF UNREVOKED ENTITLE-*
 9 *MENT.—Any entitlement described in paragraph (1)*
 10 *that is not revoked by an individual in accordance*
 11 *with that paragraph shall remain available to the de-*
 12 *pendent or dependents concerned in accordance with*
 13 *the current transfer of such entitlement under section*
 14 *3020 of this title.*

15 “(d) *POST-9/11 EDUCATIONAL ASSISTANCE.—*

16 “(1) *IN GENERAL.—Subject to paragraph (2)*
 17 *and except as provided in subsection (e), an indi-*
 18 *vidual making an election under subsection (a) shall*
 19 *be entitled to educational assistance under this chap-*
 20 *ter in accordance with the provisions of this chapter,*
 21 *instead of basic educational assistance under chapter*
 22 *30 of this title, or educational assistance under chap-*
 23 *ter 107, 1606, or 1607 of title 10, as applicable.*

24 “(2) *LIMITATION ON ENTITLEMENT FOR CERTAIN*
 25 *INDIVIDUALS.—In the case of an individual making*

1 *an election under subsection (a) who is described by*
 2 *paragraph (1)(A) of that subsection, the number of*
 3 *months of entitlement of the individual to educational*
 4 *assistance under this chapter shall be the number of*
 5 *months equal to—*

6 *“(A) the number of months of unused enti-*
 7 *tlement of the individual under chapter 30 of*
 8 *this title, as of the date of the election, plus*

9 *“(B) the number of months, if any, of enti-*
 10 *tlement revoked by the individual under sub-*
 11 *section (c)(1).*

12 *“(e) CONTINUING ENTITLEMENT TO EDUCATIONAL AS-*
 13 *SISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PRO-*
 14 *GRAM.—*

15 *“(1) IN GENERAL.—In the event educational as-*
 16 *sistance to which an individual making an election*
 17 *under subsection (a) would be entitled under chapter*
 18 *30 of this title, or chapter 107, 1606, or 1607 of title*
 19 *10, as applicable, is not authorized to be available to*
 20 *the individual under the provisions of this chapter the*
 21 *individual shall remain entitled to such educational*
 22 *assistance in accordance with the provisions of the*
 23 *applicable chapter.*

24 *“(2) CHARGE FOR USE OF ENTITLEMENT.—The*
 25 *utilization by an individual of entitlement under*

1 paragraph (1) shall be chargeable against the entitle-
 2 ment of the individual to educational assistance
 3 under this chapter at the rate of one month of entitle-
 4 ment under this chapter for each month of entitlement
 5 utilized by the individual under paragraph (1) (as
 6 determined as if such entitlement were utilized under
 7 the provisions of chapter 30 of this title, or chapter
 8 107, 1606, or 1607 of title 10, as applicable).

9 “(f) *ADDITIONAL POST-9/11 ASSISTANCE FOR MEM-*
 10 *BERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.*—

11 “(1) *ADDITIONAL ASSISTANCE.*—*In the case of*
 12 *an individual making an election under subsection*
 13 *(a) who is described by subparagraph (A), (C), or (E)*
 14 *of paragraph (1) of that subsection, the amount of*
 15 *educational assistance payable to the individual*
 16 *under this chapter as a monthly stipend payable*
 17 *under paragraph (1)(B) of section 3313(c) of this*
 18 *title, or under paragraphs (2) through (7) of that sec-*
 19 *tion (as applicable), shall be the amount otherwise*
 20 *payable as a monthly stipend under the applicable*
 21 *paragraph increased by the amount equal to—*

22 “(A) *the total amount of contributions to-*
 23 *ward basic educational assistance made by the*
 24 *individual under section 3011(b) or 3012(c) of*

1 *this title, as of the date of the election, multiplied*
 2 *by*

3 *“(B) the fraction—*

4 *“(i) the numerator of which is—*

5 *“(I) the number of months of enti-*
 6 *tlement to basic educational assistance*
 7 *under chapter 30 of this title remain-*
 8 *ing to the individual at the time of the*
 9 *election; plus*

10 *“(II) the number of months, if*
 11 *any, of entitlement under chapter 30*
 12 *revoked by the individual under sub-*
 13 *section (c)(1); and*

14 *“(ii) the denominator of which is 36*
 15 *months.*

16 *“(2) MONTHS OF REMAINING ENTITLEMENT FOR*
 17 *CERTAIN INDIVIDUALS.—In the case of an individual*
 18 *covered by paragraph (1) who is described by sub-*
 19 *section (a)(1)(E), the number of months of entitlement*
 20 *to basic educational assistance remaining to the indi-*
 21 *vidual for purposes of paragraph (1)(B)(i)(II) shall*
 22 *be 36 months.*

23 *“(3) TIMING OF PAYMENT.—The amount payable*
 24 *with respect to an individual under paragraph (1)*
 25 *shall be paid to the individual together with the last*

1 *payment of the monthly stipend payable to the indi-*
 2 *vidual under paragraph (1)(B) of section 3313(c) of*
 3 *this title, or under paragraphs (2) through (7) of that*
 4 *section (as applicable), before the exhaustion of the in-*
 5 *dividual's entitlement to educational assistance under*
 6 *this chapter.*

7 “(g) *CONTINUING ENTITLEMENT TO ADDITIONAL AS-*
 8 *SISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDI-*
 9 *TIONAL SERVICE.*—*An individual making an election*
 10 *under subsection (a)(1) who, at the time of the election, is*
 11 *entitled to increased educational assistance under section*
 12 *3015(d) of this title, or section 16131(i) of title 10, or sup-*
 13 *plemental educational assistance under subchapter III of*
 14 *chapter 30 of this title, shall remain entitled to such in-*
 15 *creased educational assistance or supplemental educational*
 16 *assistance in the utilization of entitlement to educational*
 17 *assistance under this chapter, in an amount equal to the*
 18 *quarter, semester, or term, as applicable, equivalent of the*
 19 *monthly amount of such increased educational assistance*
 20 *or supplemental educational assistance payable with respect*
 21 *to the individual at the time of the election.*

22 “(h) *ALTERNATIVE ELECTION BY SECRETARY.*—

23 “(1) *IN GENERAL.*—*In the case of an individual*
 24 *who, on or after January 1, 2016, submits to the Sec-*
 25 *retary an election under this section that the Sec-*

1 retary determines is clearly against the interests of
 2 the individual, or who fails to make an election under
 3 this section, the Secretary may make an alternative
 4 election on behalf of the individual that the Secretary
 5 determines is in the best interests of the individual.

6 “(2) NOTICE.—If the Secretary makes an elec-
 7 tion on behalf of an individual under this subsection,
 8 the Secretary shall notify the individual by not later
 9 than seven days after making such election and shall
 10 provide the individual with a 30-day period, begin-
 11 ning on the date of the individual’s receipt of such
 12 notice, during which the individual may modify or
 13 revoke the election made by the Secretary on the indi-
 14 vidual’s behalf. The Secretary shall include, as part
 15 of such notice, a clear statement of why the alter-
 16 native election made by the Secretary is in the best
 17 interests of the individual as compared to the election
 18 submitted by the individual. The Secretary shall pro-
 19 vide the notice required under this paragraph by elec-
 20 tronic means whenever possible.

21 “(i) IRREVOCABILITY OF ELECTIONS.—An election
 22 under subsection (a) or (c)(1) is irrevocable.”.

23 (b) CLERICAL AMENDMENT.—The table of sections at
 24 the beginning of such chapter is amended by adding at the
 25 end the following new item:

“3326. Election to receive educational assistance.”.

1 (c) *CONFORMING REPEAL.*—Subsection (c) of section
 2 5003 of the *Post-9/11 Veterans Educational Assistance Act*
 3 of 2008 (Public Law 110–252; 38 U.S.C. 3301 note) is here-
 4 by repealed.

5 **SEC. 204. CENTRALIZED REPORTING OF VETERAN ENROLL-**
 6 **MENT BY CERTAIN GROUPS, DISTRICTS, AND**
 7 **CONSORTIUMS OF EDUCATIONAL INSTITU-**
 8 **TIONS.**

9 (a) *IN GENERAL.*—Section 3684(a) of title 38, *United*
 10 *States Code*, is amended—

11 (1) in paragraph (1), by inserting “32, 33,”
 12 after “31,”; and

13 (2) by adding at the end the following new para-
 14 graph:

15 “(4) For purposes of this subsection, the term ‘edu-
 16 cational institution’ may include a group, district, or con-
 17 sortium of separately accredited educational institutions lo-
 18 cated in the same State that are organized in a manner
 19 that facilitates the centralized reporting of the enrollments
 20 in such group, district, or consortium of institutions.”.

21 (b) *EFFECTIVE DATE.*—The amendments made by sub-
 22 section (a) shall apply with respect to reports submitted on
 23 or after the date of the enactment of this Act.

1 **SEC. 205. IMPROVED ROLE OF STATE APPROVING AGENCIES**
 2 **IN ADMINISTRATION OF VETERANS EDU-**
 3 **CATIONAL BENEFITS.**

4 (a) *APPROVAL OF CERTAIN COURSES.*—Section
 5 3672(b)(2)(A) of title 38, United States Code, is amended
 6 by striking “the following” and all that follows through the
 7 colon and inserting the following: “a program of education
 8 is deemed to be approved for purposes of this chapter if a
 9 State approving agency determines that the program is one
 10 of the following programs:”.

11 (b) *APPROVAL OF OTHER COURSES.*—Section 3675 of
 12 such title amended—

13 (1) in subsection (a)(1)—

14 (A) by striking “The Secretary or a State
 15 approving agency” and inserting “A State ap-
 16 proving agency, or the Secretary when acting in
 17 the role of a State approving agency,”; and

18 (B) by striking “offered by proprietary for-
 19 profit educational institutions” and inserting
 20 “not covered by section 3672 of this title”; and

21 (2) in subsection (b)—

22 (A) in the matter before paragraph (1), by
 23 striking “the Secretary or the State approving
 24 agency” and inserting “the State approving
 25 agency, or the Secretary when acting in the role
 26 of a State approving agency,”; and

1 (B) in paragraph (1), by striking “the Sec-
 2 retary or the State approving agency” and in-
 3 serting “the State approving agency, or the Sec-
 4 retary when acting in the role of a State approv-
 5 ing agency”.

6 **SEC. 206. MODIFICATION OF CRITERIA USED TO APPROVE**
 7 **COURSES FOR PURPOSES OF VETERANS EDU-**
 8 **CATIONAL BENEFITS.**

9 (a) *NONACCREDITED COURSES.*—Section 3676(c)(14)
 10 of title 38, United States Code, is amended by inserting
 11 before the period the following: “if the Secretary, in con-
 12 sultation with the State approving agency and pursuant
 13 to regulations prescribed to carry out this paragraph, deter-
 14 mines such criteria are necessary and treat public, private,
 15 and proprietary for-profit educational institutions equi-
 16 tably”.

17 (b) *ACCREDITED COURSES.*—Section 3675(b)(3) of
 18 such title is amended by striking “and (3)” and inserting
 19 “(3), and (14)”.

20 (c) *APPLICATION.*—The amendment made by sub-
 21 section (a) shall apply with respect to—

22 (1) criteria developed pursuant to paragraph
 23 (14) of subsection (c) of section 3676 of title 38,
 24 United States Code, on or after January 1, 2013; and

1 (2) *an investigation conducted under such sub-*
 2 *section that is covered by a reimbursement of expenses*
 3 *paid by the Secretary of Veterans Affairs to a State*
 4 *pursuant to section 3674 of such title on or after Oc-*
 5 *tober 1, 2015.*

6 **SEC. 207. SURVEYS FOR COMPLIANCE OF EDUCATIONAL IN-**
 7 **STITUTIONS AND TRAINING ESTABLISH-**
 8 **MENTS WITH REQUIREMENTS RELATING TO**
 9 **ADMINISTRATION OF VETERANS EDU-**
 10 **CATIONAL BENEFITS.**

11 (a) *IN GENERAL.*—Section 3693 of title 38, United
 12 *States Code, is amended—*

13 (1) *by striking subsection (a) and inserting the*
 14 *following new subsection (a):*

15 “(a)(1)(A) *Except as provided in subsection (b), the*
 16 *Secretary shall conduct an annual compliance survey of*
 17 *educational institutions and training establishments offer-*
 18 *ing one or more courses approved for the enrollment of eligi-*
 19 *ble veterans or persons if at least 20 such veterans or per-*
 20 *sons are enrolled in any such course.*

21 “(B) *The Secretary shall—*

22 “(i) *design the compliance surveys to ensure that*
 23 *such institutions or establishments, as the case may*
 24 *be, and approved courses are in compliance with all*

1 *applicable provisions of chapters 30 through 36 of*
 2 *this title;*

3 *“(ii) survey each such educational institution*
 4 *and training establishment not less than once during*
 5 *every two-year period; and*

6 *“(iii) assign not fewer than one education com-*
 7 *pliance specialist to work on compliance surveys in*
 8 *any year for each 40 compliance surveys required to*
 9 *be made under this section for such year.*

10 *“(2) The Secretary, in consultation with the State ap-*
 11 *proving agencies, shall—*

12 *“(A) annually determine the parameters of the*
 13 *surveys required under paragraph (1); and*

14 *“(B) not later than September 1 of each year,*
 15 *make available to the State approving agencies a list*
 16 *of the educational institutions and training establish-*
 17 *ments that will be surveyed during the fiscal year fol-*
 18 *lowing the date of making such list available.”; and*

19 *(2) by adding at the end the following new sub-*
 20 *section:*

21 *“(c) In this section, the terms ‘educational institution’*
 22 *and ‘training establishment’ have the meaning given such*
 23 *terms in section 3452 of this title.”.*

24 *(b) CONFORMING AMENDMENTS.—Subsection (b) of*
 25 *such section is amended—*

1 (1) by striking “subsection (a) of this section for
2 an annual compliance survey” and inserting “sub-
3 section (a)(1) for a compliance survey”;

4 (2) by striking “institution” and inserting “edu-
5 cational institution or training establishment”; and

6 (3) by striking “institution’s demonstrated
7 record of compliance” and inserting “record of com-
8 pliance of such institution or establishment”.

9 **SEC. 208. MODIFICATION OF REQUIREMENTS FOR AP-**
10 **PROVAL FOR PURPOSES OF EDUCATIONAL**
11 **ASSISTANCE PROVIDED BY DEPARTMENT OF**
12 **VETERANS AFFAIRS OF PROGRAMS DESIGNED**
13 **TO PREPARE INDIVIDUALS FOR LICENSURE**
14 **OR CERTIFICATION.**

15 (a) *APPROVAL OF NON-ACCREDITED COURSES.*—Sub-
16 section (c) of section 3676 of title 38, United States Code,
17 as amended by section 206, is further amended—

18 (1) by redesignating paragraph (14) as para-
19 graph (16); and

20 (2) by inserting after paragraph (13) the fol-
21 lowing new paragraphs:

22 “(14) In the case of a course designed to prepare
23 an individual for licensure or certification in a State,
24 the course—

1 “(A) meets any instructional curriculum li-
 2 censure or certification requirements of such
 3 State; and

4 “(B) in the case of a course designed to pre-
 5 pare an individual for licensure to practice law
 6 in a State, is accredited by an accrediting agen-
 7 cy or association recognized by the Secretary of
 8 Education under subpart 2 of part H of title IV
 9 of the Higher Education Act of 1965 (20 U.S.C.
 10 1099b).

11 “(15) In the case of a course designed to prepare
 12 an individual for employment pursuant to standards
 13 developed by a board or agency of a State in an occu-
 14 pation that requires approval, licensure, or certifi-
 15 cation, the course—

16 “(A) meets such standards; and

17 “(B) in the case of a course designed to pre-
 18 pare an individual for licensure to practice law
 19 in a State, is accredited by an accrediting agen-
 20 cy or association recognized by the Secretary of
 21 Education under subpart 2 of part H of title IV
 22 of the Higher Education Act of 1965 (20 U.S.C.
 23 1099b).”.

24 (b) *EXCEPTIONS.*—Such section is further amended by
 25 adding at the end the following new subsection:

1 “(f)(1) *The Secretary may waive the requirements of*
2 *paragraph (14) or (15) of subsection (c) in the case of a*
3 *course of education offered by an educational institution*
4 *(either accredited or not accredited) if the Secretary deter-*
5 *mines all of the following:*

6 “(A) *The course did not meet the requirements of*
7 *such paragraph at any time during the two-year pe-*
8 *riod preceding the date of the waiver.*

9 “(B) *The waiver furthers the purposes of the edu-*
10 *cational assistance programs administered by the Sec-*
11 *retary or would further the education interests of in-*
12 *dividuals eligible for assistance under such programs.*

13 “(C) *The educational institution does not pro-*
14 *vide any commission, bonus, or other incentive pay-*
15 *ment based directly or indirectly on success in secur-*
16 *ing enrollments or financial aid to any persons or en-*
17 *tities engaged in any student recruiting or admission*
18 *activities or in making decisions regarding the award*
19 *of student financial assistance, except for the recruit-*
20 *ment of foreign students residing in foreign countries*
21 *who are not eligible to receive Federal student assist-*
22 *ance.*

23 “(2) *Not later than 30 days after the date on which*
24 *the Secretary issues a waiver under paragraph (1), the Sec-*

1 *retary shall submit to Congress notice of such waiver and*
 2 *a justification for issuing such waiver.”.*

3 *(c) APPROVAL OF ACCREDITED COURSES.—Section*
 4 *3675(b)(3) of such title, as amended by section 206, is fur-*
 5 *ther amended—*

6 *(1) by striking “and (14)” and inserting “(14),*
 7 *(15), and (16)”;* and

8 *(2) by inserting before the period at the end the*
 9 *following: “(or, with respect to such paragraphs (14)*
 10 *and (15), the requirements under such paragraphs are*
 11 *waived pursuant to subsection (f)(1) of section 3676*
 12 *of this title)”.*

13 *(d) APPROVAL OF ACCREDITED STANDARD COLLEGE*
 14 *DEGREE PROGRAMS OFFERED AT PUBLIC OR NOT-FOR-*
 15 *PROFIT EDUCATIONAL INSTITUTIONS.—Section 3672(b)(2)*
 16 *of such title is amended—*

17 *(1) in subparagraph (A)(i), by striking “An ac-*
 18 *credited” and inserting “Except as provided in sub-*
 19 *paragraph (C), an accredited”;* and

20 *(2) by adding at the end the following new sub-*
 21 *paragraph:*

22 *“(C) A course that is described in both subparagraph*
 23 *(A)(i) of this paragraph and in paragraph (14) or (15) of*
 24 *section 3676(c) of this title shall not be deemed to be ap-*
 25 *proved for purposes of this chapter unless—*

1 “(i) a State approving agency, or the Secretary
 2 when acting in the role of a State approving agency,
 3 determines that the course meets the applicable cri-
 4 teria in such paragraphs; or

5 “(ii) the Secretary issues a waiver for such
 6 course under section 3676(f)(1) of this title.”.

7 (e) *DISAPPROVAL OF COURSES*.—Section 3679 of such
 8 title is amended by adding at the end the following new
 9 subsection:

10 “(d) Notwithstanding any other provision of this chap-
 11 ter, the Secretary or the applicable State approving agency
 12 shall disapprove a course of education described in para-
 13 graph (14) or (15) of section 3676(c) of this title unless the
 14 educational institution providing the course of education—

15 “(1) publicly discloses any conditions or addi-
 16 tional requirements, including training, experience,
 17 or examinations, required to obtain the license, cer-
 18 tification, or approval for which the course of edu-
 19 cation is designed to provide preparation; and

20 “(2) makes each disclosure required by para-
 21 graph (1) in a manner that the Secretary considers
 22 prominent.”.

23 (f) *APPLICABILITY*.—If after enrollment in a course of
 24 education that is subject to disapproval by reason of an
 25 amendment made by this Act, an individual pursues one

1 *or more courses of education at the same educational insti-*
 2 *tution while remaining continuously enrolled (other than*
 3 *during regularly scheduled breaks between courses, semes-*
 4 *ters, or terms) at that institution, any course so pursued*
 5 *by the individual at that institution while so continuously*
 6 *enrolled shall not be subject to disapproval by reason of such*
 7 *amendment.*

8 **SEC. 209. EXPANSION OF YELLOW RIBBON G.I. EDUCATION**
 9 **ENHANCEMENT PROGRAM.**

10 (a) *IN GENERAL.*—Section 3317(a) of title 38, United
 11 States Code, is amended by striking “in paragraphs (1) and
 12 (2)” and inserting “in paragraphs (1), (2), and (9)”.

13 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 14 section (a) shall apply with respect to academic years be-
 15 ginning after the date that is one year after the date of
 16 the enactment of this Act.

17 **SEC. 210. CONSIDERATION OF CERTAIN TIME SPENT RE-**
 18 **CEIVING MEDICAL CARE FROM SECRETARY**
 19 **OF DEFENSE AS ACTIVE DUTY FOR PURPOSES**
 20 **OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL**
 21 **ASSISTANCE.**

22 (a) *IN GENERAL.*—Section 3301(1)(B) of title 38,
 23 United States Code, is amended by inserting “12301(h),”
 24 after “12301(g),”.

1 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 2 section (a) shall take effect on the date that is one year after
 3 the date of the enactment of this Act and shall apply with
 4 respect to assistance provided under chapter 33 of such title
 5 on and after the date that is one year after the date of the
 6 enactment of this Act.

7 **TITLE III—HOMELESS VETERANS** 8 **MATTERS**

9 **SEC. 301. EXPANSION OF DEFINITION OF HOMELESS VET-** 10 **ERAN FOR PURPOSES OF BENEFITS UNDER** 11 **THE LAWS ADMINISTERED BY THE SEC-** 12 **RETARY OF VETERANS AFFAIRS.**

13 Section 2002(1) of title 38, United States Code, is
 14 amended by striking “in section 103(a) of the McKinney-
 15 Vento Homeless Assistance Act (42 U.S.C. 11302(a))” and
 16 inserting “in subsection (a) or (b) of section 103 of the
 17 McKinney-Vento Homeless Assistance Act (42 U.S.C.
 18 11302)”.

19 **SEC. 302. INCREASED PER DIEM PAYMENTS FOR TRANSI-** 20 **TIONAL HOUSING ASSISTANCE THAT BE-** 21 **COMES PERMANENT HOUSING FOR HOME-** 22 **LESS VETERANS.**

23 Section 2012(a)(2) of title 38, United States Code, is
 24 amended—

1 (1) by redesignating subparagraphs (B) through
2 (D) as subparagraphs (C) through (E), respectively;

3 (2) in subparagraph (C), as redesignated, by
4 striking “in subparagraph (D)” and inserting “in
5 subparagraph (E)”;

6 (3) in subparagraph (D), as redesignated, by
7 striking “under subparagraph (B)” and inserting
8 “under subparagraph (C)”;

9 (4) in subparagraph (E), as redesignated, by
10 striking “in subparagraphs (B) and (C)” and insert-
11 ing “in subparagraphs (C) and (D)”;

12 (5) in subparagraph (A)—

13 (A) by striking “The rate” and inserting
14 “Except as otherwise provided in subparagraph
15 (B), the rate”; and

16 (B) by striking “under subparagraph (B)”
17 and all that follows through the end and insert-
18 ing the following: “under subparagraph (C).

19 “(B)(i) Except as provided in clause (ii), in no case
20 may the rate determined under this paragraph exceed the
21 rate authorized for State homes for domiciliary care under
22 subsection (a)(1)(A) of section 1741 of this title, as the Sec-
23 retary may increase from time to time under subsection (c)
24 of that section.

1 “(ii) *In the case of services furnished to a homeless*
 2 *veteran who is placed in housing that will become perma-*
 3 *nent housing for the veteran upon termination of the fur-*
 4 *nishing of such services to such veteran, the maximum rate*
 5 *of per diem authorized under this section is 150 percent*
 6 *of the rate described in clause (i).”.*

7 **SEC. 303. EXPANSION OF DEPARTMENT OF VETERANS AF-**
 8 **FAIRS AUTHORITY TO PROVIDE DENTAL CARE**
 9 **TO HOMELESS VETERANS.**

10 (a) *IN GENERAL.*—Subsection (b) of section 2062 of
 11 *title 38, United States Code, is amended to read as follows:*

12 “(b) *ELIGIBLE VETERANS.*—(1) Subsection (a) applies
 13 *to a veteran who—*

14 “(A) *is enrolled for care under section 1705(a) of*
 15 *this title; and*

16 “(B) *for a period of 60 consecutive days, is re-*
 17 *ceiving—*

18 “(i) *assistance under section 8(o) of the*
 19 *United States Housing Act of 1937 (42 U.S.C.*
 20 *1437f(o)); or*

21 “(ii) *care (directly or by contract) in any*
 22 *of the following settings:*

23 “(I) *A domiciliary under section 1710*
 24 *of this title.*

1 “(II) *A therapeutic residence under*
2 *section 2032 of this title.*

3 “(III) *Community residential care co-*
4 *ordinated by the Secretary under section*
5 *1730 of this title.*

6 “(IV) *A setting for which the Secretary*
7 *provides funds for a grant and per diem*
8 *provider.*

9 “(2) *For purposes of paragraph (1), in determining*
10 *whether a veteran has received assistance or care for a pe-*
11 *riod of 60 consecutive days, the Secretary may disregard*
12 *breaks in the continuity of assistance or care for which the*
13 *veteran is not responsible.”.*

14 (b) *EFFECTIVE DATE.*—*Subsection (a) shall take effect*
15 *on the date that is one year after the date of the enactment*
16 *of this Act.*

17 **SEC. 304. CLARIFICATION OF ELIGIBILITY FOR SERVICES**
18 **UNDER HOMELESS VETERANS REINTEGRA-**
19 **TION PROGRAMS.**

20 *Section 2021(a) of title 38, United States Code, is*
21 *amended by striking “reintegration of homeless veterans*
22 *into the labor force.” and inserting the following: “re-*
23 *integration into the labor force of—”*

24 “(1) *homeless veterans;*

1 “(2) veterans participating in the Department of
 2 Veterans Affairs supported housing program for
 3 which rental assistance is provided pursuant to sec-
 4 tion 8(o)(19) of the United States Housing Act of
 5 1937 (42 U.S.C. 1437f(o)(19));

6 “(3) Indians who are veterans and receiving as-
 7 sistance under the Native American Housing Assist-
 8 ance and Self Determination Act of 1996 (25 U.S.C.
 9 4101 et seq.); and

10 “(4) veterans who are transitioning from being
 11 incarcerated.”.

12 **SEC. 305. PROGRAM TO IMPROVE RETENTION OF HOUSING**
 13 **BY FORMERLY HOMELESS VETERANS AND**
 14 **VETERANS AT RISK OF BECOMING HOME-**
 15 **LESS.**

16 (a) *PROGRAM REQUIRED.*—

17 (1) *IN GENERAL.*—Subchapter II of chapter 20 of
 18 title 38, United States Code, is amended—

19 (A) by redesignating section 2013 as section
 20 2014; and

21 (B) by inserting after section 2012 the fol-
 22 lowing new section 2013:

1 **“§2013. Program to improve retention of housing by**
 2 **formerly homeless veterans and veterans**
 3 **at risk of becoming homeless**

4 “(a) *PROGRAM REQUIRED.*—The Secretary shall carry
 5 out a program under which the Secretary shall provide case
 6 management services to improve the retention of housing
 7 by veterans who were previously homeless and are
 8 transitioning to permanent housing and veterans who are
 9 at risk of becoming homeless.

10 “(b) *GRANTS.*—(1) The Secretary shall carry out the
 11 program through the award of grants.

12 “(2)(A) In awarding grants under paragraph (1), the
 13 Secretary shall give priority to organizations that dem-
 14 onstrate a capability to provide case management services
 15 as described in subsection (a), particularly organizations
 16 that are successfully providing or have successfully provided
 17 transitional housing services using amounts provided by the
 18 Secretary under sections 2012 and 2061 of this title.

19 “(B) In giving priority under subparagraph (A), the
 20 Secretary shall give extra priority to an organization de-
 21 scribed in such subparagraph that—

22 “(i) voluntarily stops receiving amounts pro-
 23 vided by the Secretary under sections 2012 and 2061
 24 of this title; and

25 “(ii) converts a facility that the organization
 26 used to provide transitional housing services into a

1 *facility that the organization uses to provide perma-*
 2 *nent housing that meets housing quality standards es-*
 3 *tablished under section 8(o)(8)(B) of the United*
 4 *States Housing Act of 1937 (42 U.S.C.*
 5 *1437f(o)(8)(B)).*

6 “(C) *In any case in which a facility, with respect to*
 7 *which a person received a grant for construction, rehabilita-*
 8 *tion, or acquisition under section 2011 of this title, is con-*
 9 *verted as described in subparagraph (B)(ii), such conver-*
 10 *sion shall be considered to have been carried out pursuant*
 11 *to the needs of the Department and such person shall not*
 12 *be considered in non-compliance with the terms of such*
 13 *grant by reason of such conversion.”.*

14 (2) *CLERICAL AMENDMENT.—The table of sec-*
 15 *tions at the beginning of chapter 20 of such title is*
 16 *amended by striking the item relating to section 2013*
 17 *and inserting the following new items:*

 “2013. *Program to improve retention of housing by formerly homeless veterans*
 and veterans at risk of becoming homeless.

 “2014. *Authorization of appropriations.”.*

18 (b) *REGULATIONS.—Not later than one year after the*
 19 *date of the enactment of this Act, the Secretary of Veterans*
 20 *Affairs shall prescribe regulations to carry out section 2013*
 21 *of such title, as added by subsection (a)(1)(B).*

22 (c) *REPORT.—*

23 (1) *IN GENERAL.—Not later than June 1, 2019,*
 24 *the Secretary shall submit to the Committee on Vet-*

1 *erans' Affairs of the Senate and the Committee on*
 2 *Veterans' Affairs of the House of Representatives a re-*
 3 *port on the program required by section 2013 of such*
 4 *title, as added by subsection (a)(1)(B).*

5 (2) *CONTENTS.—The report submitted under*
 6 *paragraph (1) shall include assessments of the fol-*
 7 *lowing:*

8 (A) *The percentage of veterans who received*
 9 *case management services under the program*
 10 *who were able to retain permanent housing by*
 11 *the end of the program, disaggregated by each re-*
 12 *cipient of a grant under such section.*

13 (B) *The percentage of veterans who received*
 14 *case management services under the program*
 15 *who were not in permanent housing at the end*
 16 *of the program, disaggregated by housing status*
 17 *and reason for failing to retain permanent hous-*
 18 *ing under the program.*

19 (C) *The use by veterans who received case*
 20 *management services under the program of hous-*
 21 *ing assistance furnished by the Department of*
 22 *Veterans Affairs, including a comparison of the*
 23 *use of such assistance by such veterans before*
 24 *and after receiving such services.*

1 (D) *An assessment of the employment status*
 2 *of veterans who received case management serv-*
 3 *ices under the program, including a comparison*
 4 *of the employment status of such veterans before*
 5 *and after receiving such services.*

6 **SEC. 306. PILOT PROGRAM ON PROVISION OF INTENSIVE**
 7 **CASE MANAGEMENT INTERVENTIONS TO**
 8 **HOMELESS VETERANS WHO RECEIVE THE**
 9 **MOST HEALTH CARE FROM THE DEPARTMENT**
 10 **OF VETERANS AFFAIRS.**

11 (a) *PILOT PROGRAM REQUIRED.*—*Not later than Sep-*
 12 *tember 1, 2016, the Secretary of Veterans Affairs shall com-*
 13 *mence a pilot program to assess the feasibility and advis-*
 14 *ability of providing intensive case management interven-*
 15 *tions to covered veterans.*

16 (b) *COVERED VETERANS.*—*For purposes of the pilot*
 17 *program, a covered veteran is a veteran who is enrolled*
 18 *in—*

19 (1) *the homeless registry of the Department; and*
 20 (2) *the system of annual patient enrollment es-*
 21 *tablished and operated by the Secretary under section*
 22 *1705(a) of title 38, United States Code.*

23 (c) *LOCATION.*—

24 (1) *IN GENERAL.*—*The Secretary shall carry out*
 25 *the pilot program at not fewer than six locations se-*

1 lected by the Secretary for purposes of the pilot pro-
 2 gram as follows:

3 (A) Not fewer than three locations in cities
 4 that have the largest populations of homeless vet-
 5 erans in the United States.

6 (B) Not fewer than three locations in subur-
 7 ban or rural settings.

8 (2) *INTERACTION AND COORDINATION WITH COM-*
 9 *MUNITY ORGANIZATIONS.*—In selecting locations
 10 under paragraph (1), the Secretary shall only select
 11 locations in areas in which the Secretary determines
 12 that there is a high degree of interaction and coordi-
 13 nation between the Department and community orga-
 14 nizations that provide housing and social services for
 15 veterans, such as outreach, employment, and financial
 16 assistance for homeless veterans, veterans at risk of
 17 becoming homeless, and low-income veterans.

18 (d) *PROVISION OF INTENSIVE CASE MANAGEMENT*
 19 *INTERVENTIONS.*—

20 (1) *MINIMUM NUMBER OF VETERANS TO RECEIVE*
 21 *INTERVENTIONS.*—In carrying out the program at
 22 each location selected under subsection (c), the Sec-
 23 retary shall provide intensive case management inter-
 24 ventions to not fewer than 20 covered veterans at each
 25 such location who the Secretary determines are the

1 *covered veterans at such location who receive the most*
 2 *health care and related services furnished by the De-*
 3 *partment of Veterans Affairs.*

4 (2) *NATURE OF INTERVENTIONS.*—*The intensive*
 5 *case management interventions provided to covered*
 6 *veterans under paragraph (1) shall include assistance*
 7 *with gaining and maintaining access to such housing*
 8 *and services, including benefits and services to which*
 9 *covered veterans may be entitled or eligible under the*
 10 *laws administered by the Secretary, as may be nec-*
 11 *essary to improve the stability of their housing and*
 12 *the appropriateness of the health care that they re-*
 13 *ceive.*

14 (e) *REPORT.*—

15 (1) *IN GENERAL.*—*Not later than December 1,*
 16 *2018, the Secretary shall submit to the Committee on*
 17 *Veterans' Affairs of the Senate and the Committee on*
 18 *Veterans' Affairs of the House of Representatives a re-*
 19 *port on the pilot program carried out under this sec-*
 20 *tion.*

21 (2) *CONTENTS.*—*The report submitted under*
 22 *paragraph (1) shall include assessments of the fol-*
 23 *lowing:*

1 (A) *The types and frequencies of intensive*
2 *case management interventions provided under*
3 *the pilot program.*

4 (B) *The housing status of each veteran who*
5 *received an intensive case management interven-*
6 *tion under the pilot program.*

7 (C) *The employment status of each veteran*
8 *who received an intensive case management*
9 *intervention under the pilot program, including*
10 *a comparison of the employment status of such*
11 *veteran before and after receiving such interven-*
12 *tion.*

13 (D) *The use by veterans who received inten-*
14 *sive case management interventions under the*
15 *pilot program of health care and related services*
16 *furnished by the Department of Veterans Affairs*
17 *and the costs incurred by the Department in fur-*
18 *nishing such care and services, including a com-*
19 *parison of the use by such veterans of such care*
20 *and services and the costs incurred from fur-*
21 *nishing such care and services before and after*
22 *receiving such interventions.*

23 (E) *The number of veterans who received*
24 *intensive case management interventions under*
25 *the pilot program, disaggregated by whether the*

1 *intensive case management intervention was pro-*
 2 *vided in a location described in subparagraph*
 3 *(A) or (B) of subsection (c)(1).*

4 *(F) The costs incurred by the Department*
 5 *in carrying out the pilot program, disaggregated*
 6 *by provision of intensive case management inter-*
 7 *ventions in locations described in subparagraphs*
 8 *(A) and (B) of such subsection.*

9 *(G) An estimate of the costs the Department*
 10 *would have incurred for the provision of health*
 11 *care and associated services to covered veterans*
 12 *but for the provision of intensive case manage-*
 13 *ment interventions under the pilot program,*
 14 *disaggregated by provision of intensive case*
 15 *management interventions in locations described*
 16 *in subparagraphs (A) and (B) of subsection*
 17 *(c)(1).*

18 **SEC. 307. ESTABLISHMENT OF NATIONAL CENTER ON**
 19 **HOMELESSNESS AMONG VETERANS.**

20 *(a) IN GENERAL.—Subchapter VII of chapter 20 of*
 21 *title 38, United States Code, is amended by adding at the*
 22 *end the following new section:*

1 **“§2067. National Center on Homelessness Among Vet-**
 2 **erans**

3 “(a) *IN GENERAL.*—(1) *The Secretary shall establish*
 4 *and operate a center to carry out the functions described*
 5 *in subsection (b).*

6 “(2) *The center established under paragraph (1) shall*
 7 *be known as the ‘National Center on Homelessness Among*
 8 *Veterans’.*

9 “(3) *To the degree practicable, the Secretary shall op-*
 10 *erate the center established under paragraph (1) independ-*
 11 *ently of the other programs of the Department that address*
 12 *homelessness among veterans.*

13 “(b) *FUNCTIONS.*—*The functions described in this sub-*
 14 *section are as follows:*

15 “(1) *To carry out and promote research into the*
 16 *causes and contributing factors to veteran homeless-*
 17 *ness.*

18 “(2) *To assess the effectiveness of programs of the*
 19 *Department to meet the needs of homeless veterans.*

20 “(3) *To identify and disseminate best practices*
 21 *with regard to housing stabilization, income support,*
 22 *employment assistance, community partnerships, and*
 23 *such other matters as the Secretary considers appro-*
 24 *priate with respect to addressing veteran homeless-*
 25 *ness.*

1 “(4) To integrate evidence-based and best prac-
 2 tices, policies, and programs into programs of the De-
 3 partment for homeless veterans and veterans at risk
 4 of homelessness and to ensure that the staff of the De-
 5 partment and community partners can implement
 6 such practices, policies, and programs.

7 “(5) To serve as a resource center for, and pro-
 8 mote and seek to coordinate the exchange of informa-
 9 tion regarding, all research and training activities
 10 carried out by the Department and by other Federal
 11 and non-Federal entities with respect to veteran
 12 homelessness.”.

13 (b) CLERICAL AMENDMENT.—The table of sections at
 14 the beginning of chapter 20 of such title is amended by in-
 15 serting after the item relating to section 2066 the following
 16 new item:

 “2067. National Center on Homelessness Among Veterans.”.

17 **SEC. 308. PARTNERSHIPS WITH PUBLIC AND PRIVATE ENTI-**
 18 **TIES TO PROVIDE LEGAL SERVICES TO HOME-**
 19 **LESS VETERANS AND VETERANS AT RISK OF**
 20 **HOMELESSNESS.**

21 (a) IN GENERAL.—Chapter 20 of title 38, United
 22 States Code, is amended by inserting after section 2022 the
 23 following new section:

1 **“§ 2022A. Partnerships with public and private enti-**
 2 **ties to provide legal services to homeless**
 3 **veterans and veterans at risk of homeless-**
 4 **ness**

5 “(a) *PARTNERSHIPS AUTHORIZED.*—Subject to the
 6 availability of funds for that purpose, the Secretary may
 7 enter into partnerships with public or private entities to
 8 fund a portion of the general legal services specified in sub-
 9 section (c) that are provided by such entities to homeless
 10 veterans and veterans at risk of homelessness.

11 “(b) *LOCATIONS.*—(1) The Secretary shall ensure that,
 12 to the extent practicable, partnerships under this section are
 13 made with entities equitably distributed across the geo-
 14 graphic regions of the United States, including rural com-
 15 munities, tribal lands of the United States, Native Ameri-
 16 cans, and tribal organizations.

17 “(2) In this subsection, the terms ‘Native American’
 18 and ‘tribal organization’ have the meanings given such
 19 terms in section 3765 of this title.

20 “(c) *LEGAL SERVICES.*—Legal services specified in
 21 this subsection include legal services provided by public or
 22 private entities that address the needs of homeless veterans
 23 and veterans at risk of homelessness, such as the following:

24 “(1) Legal services related to housing, including
 25 eviction defense and representation in landlord-tenant
 26 cases.

1 “(2) *Legal services related to family law, includ-*
 2 *ing assistance in court proceedings for child support,*
 3 *divorce, and estate planning.*

4 “(3) *Legal services related to income support, in-*
 5 *cluding assistance in obtaining public benefits.*

6 “(4) *Legal services related to criminal defense,*
 7 *including defense in matters symptomatic of home-*
 8 *lessness, such as outstanding warrants, fines, and*
 9 *driver’s license revocation, to reduce recidivism and*
 10 *facilitate the overcoming of reentry obstacles in em-*
 11 *ployment or housing.*

12 “(d) *CONSULTATION.—In developing and carrying out*
 13 *partnerships under this section, the Secretary shall, to the*
 14 *extent practicable, consult with public and private enti-*
 15 *ties—*

16 “(1) *for assistance in identifying and contacting*
 17 *organizations described in subsection (c); and*

18 “(2) *to coordinate appropriate outreach relation-*
 19 *ships with such organizations.*

20 “(e) *REPORTS.—The Secretary may require entities*
 21 *that have entered into partnerships under this section to*
 22 *submit to the Secretary periodic reports on legal services*
 23 *provided to homeless veterans and veterans at risk of home-*
 24 *lessness pursuant to such partnerships.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 20 of such title is amended by add-*
 3 *ing after the item relating to section 2022 the following new*
 4 *item:*

“2022A. *Partnerships with public and private entities to provide legal services to homeless veterans and veterans at risk of homelessness.*”.

5 **SEC. 309. ADMINISTRATIVE IMPROVEMENTS TO GRANT AND**
 6 **PER DIEM PROGRAMS OF DEPARTMENT OF**
 7 **VETERANS AFFAIRS.**

8 *Section 2012 of title 38, United States Code, is amend-*
 9 *ed—*

10 (1) *in subsection (a)(1), in the matter before sub-*
 11 *paragraph (A), by inserting “and except as otherwise*
 12 *provided in this section” after “such purpose”; and*

13 (2) *by adding at the end the following new sub-*
 14 *section:*

15 “(e) *REVIEW AND CONDITIONAL RENEWAL.*—(1) *Each*
 16 *year, the Secretary shall review each grant recipient and*
 17 *eligible entity that received a per diem payment under this*
 18 *section for a service furnished to a veteran during the one-*
 19 *year period preceding the review to evaluate the perform-*
 20 *ance of the grant recipient or eligible entity during that*
 21 *period with respect to—*

22 “(A) *the success of the grant recipient or eligible*
 23 *entity in assisting veterans to obtain, transition into,*
 24 *and retain permanent housing; and*

1 “(B) *increasing the income of veterans, whether*
 2 *by helping veterans obtain employment or by helping*
 3 *veterans obtain income-related benefits to which such*
 4 *veterans may be eligible or entitled.*

5 “(2) *For any grant recipient or eligible entity whose*
 6 *performance was evaluated for a year under paragraph (1),*
 7 *the Secretary may only provide per diem under this section*
 8 *to that grant recipient or eligible entity in the following*
 9 *year if the Secretary determines that such performance mer-*
 10 *its continued receipt of per diem under this section.*

11 “(3) *The Secretary shall establish uniform perform-*
 12 *ance targets throughout the United States for all grant re-*
 13 *cipients and eligible entities that receive per diem payments*
 14 *under this section for purposes of evaluating the perform-*
 15 *ance of each such grant recipient and eligible entity under*
 16 *this subsection.”.*

17 **SEC. 310. REPEAL OF REQUIREMENT FOR ANNUAL REPORTS**
 18 **ON ASSISTANCE TO HOMELESS VETERANS.**

19 (a) *IN GENERAL.*—Section 2065 of title 38, United
 20 States Code, is hereby repealed.

21 (b) *CLERICAL AMENDMENT.*—The table of sections at
 22 the beginning of chapter 20 of such title is amended by
 23 striking the item relating to section 2065.

1 **SEC. 311. COMPTROLLER GENERAL OF THE UNITED STATES**
 2 **STUDY ON HOMELESS VETERANS PROGRAMS**
 3 **OF DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) *IN GENERAL.*—Not later than 270 days after the
 5 date of the enactment of this Act, the Comptroller General
 6 of the United States shall complete a study of programs of
 7 the Department of Veterans Affairs that provide assistance
 8 to homeless veterans.

9 (b) *ELEMENTS.*—The study required by subsection (a)
 10 shall include the following:

11 (1) *An assessment of whether programs described*
 12 *in subsection (a) are meeting the needs of veterans*
 13 *who are eligible for assistance provided by such pro-*
 14 *grams, including any gaps or duplication in the pro-*
 15 *vision of services.*

16 (2) *A review of recent efforts of the Secretary of*
 17 *Veterans Affairs to improve the privacy, safety, and*
 18 *security of female veterans receiving assistance from*
 19 *such programs.*

20 **SEC. 312. REQUIREMENT FOR DEPARTMENT OF VETERANS**
 21 **AFFAIRS TO ASSESS COMPREHENSIVE SERV-**
 22 **ICE PROGRAMS FOR HOMELESS VETERANS.**

23 (a) *IN GENERAL.*—Not later than one year after the
 24 date of the enactment of this Act, the Secretary of Veterans
 25 Affairs shall—

1 (1) *assess and measure the capacity of programs*
 2 *for which entities receive grants under section 2011 of*
 3 *title 38, United States Code, or per diem payments*
 4 *under section 2012 or 2061 of such title; and*

5 (2) *assess such programs with respect to—*

6 (A) *how well they achieve their stated goals*
 7 *at a national level;*

8 (B) *placements in permanent housing;*

9 (C) *placements in employment; and*

10 (D) *increases in the regular income of par-*
 11 *ticipants in the programs.*

12 (b) *ASSESSMENT AT NATIONAL AND LOCAL LEVELS.—*

13 *In assessing and measuring under subsection (a)(1), the*
 14 *Secretary shall develop and use tools to examine the capac-*
 15 *ity of programs described in such subsection at both the na-*
 16 *tional and local level in order to assess the following:*

17 (1) *Whether sufficient capacity exists to meet the*
 18 *needs of homeless veterans in each geographic area.*

19 (2) *Whether existing capacity meets the needs of*
 20 *the subpopulations of homeless veterans located in*
 21 *each geographic area.*

22 (3) *The amount of capacity that recipients of*
 23 *grants under sections 2011 and 2061 and per diem*
 24 *payments under section 2012 of such title have to*
 25 *provide services for which the recipients are eligible to*

1 *receive per diem under section 2012(a)(2)(B)(ii) of*
 2 *title 38, United States Code, as added by section*
 3 *302(5)(B).*

4 *(c) CONSIDERATION OF OTHER RESOURCES.—In as-*
 5 *sessing and measuring programs under subsection (a)(1),*
 6 *the Secretary shall consider the availability to such pro-*
 7 *grams of resources made available to such programs and*
 8 *to homeless veterans, including resources provided by the*
 9 *Department of Veterans Affairs and by entities other than*
 10 *the Department.*

11 *(d) USE OF INFORMATION.—The Secretary shall use*
 12 *the information collected under this section as follows:*

13 *(1) To set specific goals to ensure that programs*
 14 *described in subsection (a) are effectively serving the*
 15 *needs of homeless veterans.*

16 *(2) To assess whether programs described in sub-*
 17 *section (a) are meeting goals set under paragraph (1).*

18 *(3) To inform funding allocations for programs*
 19 *described in subsection (a).*

20 *(4) To improve the referral of homeless veterans*
 21 *to programs described in subsection (a).*

22 *(e) REPORT.—Not later than 180 days after the date*
 23 *on which the assessment required by subsection (a) is com-*
 24 *pleted, the Secretary shall submit to the Committee on Vet-*
 25 *erans' Affairs of the Senate and the Committee on Veterans'*

1 *Affairs of the House of Representatives a report on such*
 2 *assessment and such recommendations for legislative and*
 3 *administrative action as the Secretary may have to im-*
 4 *prove the programs and per diem payments described in*
 5 *subsection (a).*

6 **SEC. 313. REPORT ON OUTREACH RELATING TO INCREAS-**
 7 **ING THE AMOUNT OF HOUSING AVAILABLE**
 8 **TO VETERANS.**

9 *Not later than one year after the date of the enactment*
 10 *of this Act, the Secretary of Veterans Affairs shall submit*
 11 *to the Committee on Veterans' Affairs of the Senate and*
 12 *the Committee on Veterans' Affairs of the House of Rep-*
 13 *resentatives a report describing and assessing the outreach*
 14 *conducted by the Secretary to realtors, landlords, property*
 15 *management companies, and developers to educate them*
 16 *about the housing needs of veterans and the benefits of hav-*
 17 *ing veterans as tenants.*

18 **TITLE IV—HEALTH CARE**
 19 **MATTERS**

20 **SEC. 401. SHORT TITLE.**

21 *This title may be cited as the “Jason Simcakoski Me-*
 22 *morial Act”.*

1 ***Subtitle A—Employment of Direc-***
 2 ***tors and Health Care Providers***

3 ***SEC. 411. EXTENSION OF PERIOD FOR INCREASE IN GRAD-***
 4 ***UATE MEDICAL EDUCATION RESIDENCY POSI-***
 5 ***TIONS AT MEDICAL FACILITIES OF THE DE-***
 6 ***PARTMENT OF VETERANS AFFAIRS.***

7 (a) *IN GENERAL.*—Paragraph (2) of section 301(b) of
 8 the Veterans Access, Choice, and Accountability Act of 2014
 9 (Public Law 113–146; 38 U.S.C. 7302 note) is amended—

10 (1) in the paragraph heading, by striking “FIVE-
 11 YEAR” and inserting “TEN-YEAR”; and

12 (2) in subparagraph (A), by striking “5-year pe-
 13 riod” and inserting “10-year period”.

14 (b) *REPORT.*—Paragraph (3)(A) of such section is
 15 amended by striking “until 2019” and inserting “until
 16 2024”.

17 ***SEC. 412. MODIFICATION OF HOURS OF EMPLOYMENT FOR***
 18 ***PHYSICIANS AND PHYSICIAN ASSISTANTS EM-***
 19 ***PLOYED BY THE DEPARTMENT OF VETERANS***
 20 ***AFFAIRS.***

21 Section 7423(a) of title 38, United States Code, is
 22 amended—

23 (1) by striking “(a) The hours” and inserting
 24 “(a)(1) Except as provided in paragraph (2), the
 25 hours”; and

1 (2) *by adding at the end the following new para-*
 2 *graph:*

3 “(2) *The Secretary may modify the hours of employ-*
 4 *ment for a physician or physician assistant appointed in*
 5 *the Administration under any provision of this chapter on*
 6 *a full-time basis to be more than or less than 80 hours in*
 7 *a biweekly pay period if the total hours of employment for*
 8 *such employee in a calendar year does not exceed 2,080*
 9 *hours.”.*

10 **SEC. 413. REQUIREMENT THAT PHYSICIAN ASSISTANTS EM-**
 11 **PLOYED BY THE DEPARTMENT OF VETERANS**
 12 **AFFAIRS RECEIVE COMPETITIVE PAY.**

13 (a) *IN GENERAL.*—Section 7451(a)(2) of title 38,
 14 *United States Code, is amended—*

15 (1) *by redesignating subparagraph (B) as sub-*
 16 *paragraph (C);*

17 (2) *by inserting after subparagraph (A) the fol-*
 18 *lowing new subparagraph (B):*

19 “(B) *Physician assistant.*”; and

20 (3) *in subparagraph (C), as redesignated by*
 21 *paragraph (1), by striking “and registered nurse”*
 22 *and inserting “registered nurse, and physician assist-*
 23 *ant”.*

1 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 2 *section (a) shall take effect on the date that is one year after*
 3 *the date of the enactment of this Act.*

4 **SEC. 414. ESTABLISHMENT OF POSITIONS OF DIRECTORS**
 5 **OF VETERANS INTEGRATED SERVICE NET-**
 6 **WORKS IN OFFICE OF UNDER SECRETARY**
 7 **FOR HEALTH OF DEPARTMENT OF VETERANS**
 8 **AFFAIRS AND MODIFICATION OF QUALIFICA-**
 9 **TIONS FOR MEDICAL DIRECTORS.**

10 *Section 7306(a)(4) of title 38, United States Code, is*
 11 *amended—*

12 (1) *by inserting “and Directors of Veterans Inte-*
 13 *grated Service Networks” after “Such Medical Direc-*
 14 *tors”; and*

15 (2) *by striking “, who shall be either a qualified*
 16 *doctor of medicine or a qualified doctor of dental sur-*
 17 *gery or dental medicine”.*

18 **SEC. 415. PAY FOR MEDICAL DIRECTORS AND DIRECTORS**
 19 **OF VETERANS INTEGRATED SERVICE NET-**
 20 **WORKS.**

21 (a) *IN GENERAL.*—*Chapter 74 of title 38, United*
 22 *States Code, is amended by adding at the end the following*
 23 *new subchapter:*

1 ***“Subchapter VII—Pay for Medical Directors***
 2 ***and Directors of Veterans Integrated***
 3 ***Service Networks***

4 ***“§ 7481. Pay for Medical Directors and Directors of***
 5 ***Veterans Integrated Service Networks***

6 *“(a) ELEMENTS OF PAY.—Pay for a Medical Director*
 7 *or Director of a Veterans Integrated Service Network ap-*
 8 *pointed under section 7306(a)(4) of this title (in this section*
 9 *referred to as a ‘Director’) shall consist of basic pay set*
 10 *forth under section 7404(a) of this title and market pay*
 11 *determined under subsection (b).*

12 *“(b) MARKET PAY.—(1) Each Director is eligible for*
 13 *market pay determined under this subsection.*

14 *“(2) The amount of market pay payable to a Director*
 15 *under this section shall be determined by the Secretary on*
 16 *a case-by-case basis and shall consist of pay intended to*
 17 *reflect needs of the Department with respect to the recruit-*
 18 *ment and retention (as determined by the Secretary) of such*
 19 *Director.*

20 *“(3) In determining the amount of market pay payable*
 21 *to a Director under this section, the Secretary shall—*

22 *“(A) consult not less than two national surveys*
 23 *on pay for hospital directors, medical facility direc-*
 24 *tors, or other similar positions, whether prepared by*
 25 *private, public, or quasi-public entities, to make a*

1 *general assessment of the range of potential pay for*
2 *the Director; and*

3 “(B) take into account—

4 “(i) the experience of the Director in man-
5 aging facilities or program offices of the Depart-
6 ment, including the complexity of such facilities
7 or offices;

8 “(ii) the complexity of the facility or facili-
9 ties to be managed by the Director;

10 “(iii) the labor market, in such geographic
11 area as the Secretary considers relevant, for hos-
12 pital directors, medical facility directors, and
13 other similar positions;

14 “(iv) the experience of the Director in man-
15 aging medical facilities for other Federal agen-
16 cies, private entities, or non-profit entities; and

17 “(v) such other considerations as the Sec-
18 retary considers appropriate.

19 “(4)(A) The Secretary shall evaluate the amount of
20 market pay payable to a Director under this section not
21 less frequently than once every two years and may adjust
22 the market pay payable to such Director as a result of such
23 evaluation.

1 “(B) *A Director whose market pay is evaluated under*
 2 *subparagraph (A) shall receive written notice of the results*
 3 *of such evaluation.*

4 “(c) *REQUIREMENTS AND LIMITATIONS ON TOTAL*
 5 *PAY.—(1) Not less frequently than once every two years,*
 6 *the Secretary shall set forth a Department-wide minimum*
 7 *and maximum amount for total annual pay under sub-*
 8 *section (a) that may be paid to a Director and shall publish*
 9 *each such amount in the Federal Register.*

10 “(2) *The minimum and maximum amounts set forth*
 11 *under paragraph (1) shall take effect not earlier than the*
 12 *date that is 60 days after the publication of such amounts*
 13 *under such paragraph.*

14 “(3) *The sum of the basic pay set forth under section*
 15 *7404(a) of this title and market pay determined under sub-*
 16 *section (b) for a Director for a calendar year—*

17 “(A) *may not be less than the most recent min-*
 18 *imum amount set forth under paragraph (1) before*
 19 *the beginning of such calendar year; and*

20 “(B) *may not be more than the most recent max-*
 21 *imum amount set forth under such paragraph before*
 22 *the beginning of such calendar year.*

23 “(4) *The total amount of compensation paid to a Di-*
 24 *rector under this title in any calendar year may not exceed*

1 *the amount of annual compensation (excluding expenses)*
 2 *of the President under section 102 of title 3.*

3 “(5) *The Secretary may not delegate to an officer or*
 4 *employee of the Department the requirement of the Sec-*
 5 *retary to set forth a Department-wide minimum and max-*
 6 *imum amount under paragraph (1).*

7 “(d) *TREATMENT OF PAY.—Pay under this section*
 8 *shall be considered pay for all purposes, including retire-*
 9 *ment benefits under chapters 83 and 84 of title 5 and other*
 10 *benefits.*

11 “(e) *ANCILLARY EFFECTS OF DECREASES IN PAY.—*
 12 *(1) A decrease in pay of a Director resulting from an ad-*
 13 *justment in the amount of market pay of the Director under*
 14 *subsection (b) shall not be treated as an adverse action.*

15 “(2) *A decrease in the amount of pay of a Director*
 16 *resulting from an involuntary reassignment in connection*
 17 *with a disciplinary action taken against the Director is not*
 18 *subject to appeal or judicial review.”.*

19 “(b) *CLERICAL AMENDMENT.—The table of sections at*
 20 *the beginning of chapter 74 of such title is amended by add-*
 21 *ing at the end the following:*

“SUBCHAPTER VII. *PAY FOR MEDICAL DIRECTORS AND DIRECTORS OF VETERANS*
INTEGRATED SERVICE NETWORKS

“7481. *Pay for Medical Directors and Directors of Veterans Integrated Service*
Networks.”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall take effect on the date that is one year after*
 3 *the date of the enactment of this Act.*

4 **SEC. 416. ADDITIONAL REQUIREMENTS FOR HIRING OF**
 5 **HEALTH CARE PROVIDERS BY DEPARTMENT**
 6 **OF VETERANS AFFAIRS.**

7 (a) *IN GENERAL.*—*The Secretary of Veterans Affairs*
 8 *shall, as part of the hiring process for each health care pro-*
 9 *vider considered for a position at the Department of Vet-*
 10 *erans Affairs after the date of the enactment of this Act,*
 11 *require from the medical board of each State in which the*
 12 *health care provider holds or has held a medical license—*

13 (1) *information on any violation of the require-*
 14 *ments of the medical license of the health care pro-*
 15 *vider; and*

16 (2) *information on whether the health care pro-*
 17 *vider has entered into any settlement agreement for a*
 18 *disciplinary charge relating to the practice of medi-*
 19 *cine by the health care provider.*

20 (b) *REGULATIONS.*—*The Secretary shall prescribe reg-*
 21 *ulations to carry out this section.*

1 **SEC. 417. PROVISION OF INFORMATION ON HEALTH CARE**
 2 **PROVIDERS OF DEPARTMENT OF VETERANS**
 3 **AFFAIRS TO STATE MEDICAL BOARDS.**

4 (a) *IN GENERAL.*—Notwithstanding section 552a of
 5 title 5, United States Code, the Secretary of Veterans Affairs
 6 shall, with respect to each health care provider of the De-
 7 partment of Veterans Affairs that has violated a require-
 8 ment of their medical license, provide to the medical board
 9 of each State in which the health care provider is licensed
 10 or practices all relevant information contained in the State
 11 Licensing Board Reporting File or any successor file of the
 12 Department with respect to such violation.

13 (b) *NO REQUEST REQUIRED.*—The Secretary shall
 14 provide the information required in subsection (a) to a
 15 medical board described in such subsection notwithstanding
 16 that such board may not have formally requested such infor-
 17 mation from the Department.

18 **SEC. 418. REPORT ON COMPLIANCE BY DEPARTMENT OF**
 19 **VETERANS AFFAIRS WITH REVIEWS OF**
 20 **HEALTH CARE PROVIDERS LEAVING THE DE-**
 21 **PARTMENT OR TRANSFERRING TO OTHER FA-**
 22 **CILITIES.**

23 *Not later than two years after the date of the enact-*
 24 *ment of this Act, the Secretary of Veterans Affairs shall sub-*
 25 *mit to the Committee on Veterans' Affairs of the Senate and*
 26 *the Committee on Veterans' Affairs of the House of Rep-*

1 *representatives a report on the compliance by the Department*
 2 *of Veterans Affairs with the policy of the Department—*

3 *(1) to conduct a review of each health care pro-*
 4 *vider of the Department who transfers to another*
 5 *medical facility of the Department or leaves the De-*
 6 *partment to determine whether there are any con-*
 7 *cerns, complaints, or allegations of violations relating*
 8 *to the medical practice of the health care provider;*
 9 *and*

10 *(2) to take appropriate action with respect to*
 11 *any such concern, complaint, or allegation.*

12 ***Subtitle B—Opioid Therapy and***
 13 ***Pain Management***

14 ***SEC. 421. GUIDELINES ON MANAGEMENT OF OPIOID THER-***
 15 ***APY BY DEPARTMENT OF VETERANS AFFAIRS***
 16 ***AND DEPARTMENT OF DEFENSE AND IMPLE-***
 17 ***MENTATION OF SUCH GUIDELINES BY DE-***
 18 ***PARTMENT OF VETERANS AFFAIRS.***

19 *(a) GUIDELINES.—*

20 *(1) IN GENERAL.—Not later than one year after*
 21 *the date of the enactment of this Act, the Secretary of*
 22 *Veterans Affairs and the Secretary of Defense shall*
 23 *jointly update the VA/DOD Clinical Practice Guide-*
 24 *line for Management of Opioid Therapy for Chronic*
 25 *Pain to include the following:*

1 (A) *Except as provided in paragraph (2),*
 2 *guidelines developed by the Centers for Disease*
 3 *Control and Prevention for safely prescribing*
 4 *opioids for the treatment of chronic, non-cancer*
 5 *pain in outpatient settings upon the release of*
 6 *such guidelines by the Centers for Disease Con-*
 7 *trol and Prevention.*

8 (B) *Enhanced guidance with respect to ab-*
 9 *solute contraindications for opioid therapy, in-*
 10 *cluding guidance with respect to the following:*

11 (i) *The coadministration of drugs that*
 12 *are capable of inducing a life-limiting drug-*
 13 *drug interaction, including benzodiazepines.*

14 (ii) *The treatment of patients with*
 15 *current acute psychiatric instability or sub-*
 16 *stance use disorder or patients at risk of*
 17 *suicide.*

18 (iii) *The use of opioid therapy to treat*
 19 *patients without any pain, including to*
 20 *treat mental health disorders other than*
 21 *opioid use disorder.*

22 (C) *Enhanced guidance with respect to the*
 23 *treatment of patients with behaviors or*
 24 *comorbidities, such as post-traumatic stress dis-*
 25 *order, psychiatric disorders, or a history of sub-*

stance abuse or addiction, that require consultation or comanagement of opioid therapy with one or more specialists in pain management, mental health, or addictions.

(D) Enhanced guidance with respect to the conduct by health care providers of an effectiveness assessment for patients receiving opioid therapy, including patients on long-term opioid therapy, to determine—

(i) whether opioid therapy is meeting the expected goals of the patient and health care provider of relieving pain and improving function; and

(ii) whether opioid therapy should be continued.

(E) Requirements that each health care provider of the Department of Veterans Affairs, before initiating opioid therapy to treat a patient, use the Opioid Therapy Risk Report tool of the Department, including by accessing the most recent patient information from the prescription drug monitoring program of each State, as required to be included in such tool under section 422(d)(1), to assess the risk for adverse outcomes of opioid therapy for the patient, including the

1 concurrent use of controlled substances such as
2 benzodiazepines, as part of the comprehensive as-
3 sessment conducted by the health care provider.

4 (F) Guidelines to govern the methodologies
5 used by health care providers of the Department
6 of Veterans Affairs and the Department of De-
7 fense to safely titrate and taper opioid therapy
8 when adjusting or discontinuing the use of
9 opioid therapy, including—

10 (i) prescription of the lowest effective
11 dose based on patient need;

12 (ii) use of opioids only for a limited
13 period of time; and

14 (iii) augmentation of opioid therapy
15 with other pain management therapies and
16 modalities.

17 (G) Guidelines with respect to appropriate
18 case management for patients receiving opioid
19 therapy who transition between inpatient and
20 outpatient health care settings, which may in-
21 clude the use of care transition plans.

22 (H) Enhanced recommendations with re-
23 spect to the use of routine and random urine
24 drug tests for all patients before and during
25 opioid therapy to help prevent substance abuse,

dependence, and diversion, including requirements—

(i) that such tests occur not less frequently than once each year; and

(ii) that health care providers appropriately interpret and respond to the results from such tests to tailor pain therapy, safeguards, and risk management strategies to each patient.

(I) Guidance that health care providers discuss with patients, before initiating opioid therapy, options for pain management therapies without the use of opioids and options to augment opioid therapy with other clinical and complementary and integrative health services to minimize opioid dependence.

(2) TREATMENT OF CERTAIN GUIDELINES DEVELOPED AFTER DEADLINE.—If the Centers for Disease Control and Prevention release the guidelines described in paragraph (1)(A) after the date on which the Secretary of Veterans Affairs and the Secretary of Defense jointly update the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, as required under paragraph (1), the Secretary of Veterans Affairs and the Secretary of De-

1 *fense shall jointly modify such updated clinical prac-*
 2 *tice guideline to include the guidelines described in*
 3 *paragraph (1)(A).*

4 *(b) CONSULTATION BEFORE UPDATE.—Before updat-*
 5 *ing the clinical practice guideline under subsection (a), the*
 6 *Secretary of Veterans Affairs and the Secretary of Defense*
 7 *shall jointly consult with the Pain Management Working*
 8 *Group of the Health Executive Committee of the Depart-*
 9 *ment of Veterans Affairs-Department of Defense Joint Exec-*
 10 *utive Committee established under section 320 of title 38,*
 11 *United States Code.*

12 *(c) CONTROLLED SUBSTANCE DEFINED.—In this sec-*
 13 *tion, the term “controlled substance” has the meaning given*
 14 *that term in section 102 of the Controlled Substances Act*
 15 *(21 U.S.C. 802).*

16 **SEC. 422. IMPROVEMENT OF OPIOID SAFETY MEASURES BY**
 17 **DEPARTMENT OF VETERANS AFFAIRS.**

18 *(a) EXPANSION OF OPIOID SAFETY INITIATIVE.—Not*
 19 *later than 180 days after the date of the enactment of this*
 20 *Act, the Secretary of Veterans Affairs shall expand the*
 21 *Opioid Safety Initiative of the Department of Veterans Af-*
 22 *fairs to include all medical facilities of the Department.*

23 *(b) PAIN MANAGEMENT EDUCATION AND TRAINING.—*

24 *(1) IN GENERAL.—In carrying out the Opioid*
 25 *Safety Initiative of the Department, the Secretary*

1 *shall require all employees of the Department respon-*
2 *sible for prescribing opioids to receive education and*
3 *training described in paragraph (2).*

4 (2) *EDUCATION AND TRAINING.—Education and*
5 *training described in this paragraph is education and*
6 *training on pain management and safe opioid pre-*
7 *scribing practices for purposes of safely and effectively*
8 *managing patients with chronic pain and includes*
9 *education and training on the following:*

10 (A) *The implementation of and full compli-*
11 *ance with the VA/DOD Clinical Practice Guide-*
12 *line for Management of Opioid Therapy for*
13 *Chronic Pain, including any update to such*
14 *guideline.*

15 (B) *The use of evidence-based pain manage-*
16 *ment therapies, including cognitive-behavioral*
17 *therapy, non-opioid alternatives, and non-drug*
18 *approaches to managing pain and related health*
19 *conditions including complementary and inte-*
20 *grative health services.*

21 (C) *Screening and identification of patients*
22 *with substance use disorder, including drug-seek-*
23 *ing behavior, before prescribing opioids, assess-*
24 *ment of the risk potential for patients developing*
25 *an addiction, and referral of patients to appro-*

1 *priate addiction treatment professionals if addic-*
 2 *tion is identified or strongly suspected.*

3 *(D) Communication with patients on the*
 4 *potential harm associated with the use of opioids*
 5 *and other controlled substances, including the*
 6 *need to safely store and dispose of supplies relat-*
 7 *ing to the use of opioids and other controlled*
 8 *substances.*

9 *(E) Such other education and training as*
 10 *the Secretary considers appropriate to ensure*
 11 *that veterans receive safe, high-quality pain*
 12 *management care from the Department.*

13 *(3) USE OF EXISTING PROGRAM.—In providing*
 14 *education and training described in paragraph (2),*
 15 *the Secretary shall use the Interdisciplinary Chronic*
 16 *Pain Management Training Team Program of the*
 17 *Department.*

18 *(c) PAIN MANAGEMENT TEAMS.—*

19 *(1) IN GENERAL.—In carrying out the Opioid*
 20 *Safety Initiative of the Department, each medical fa-*
 21 *cility of the Department shall identify and designate*
 22 *a pain management team of health care professionals,*
 23 *which may include board certified pain medicine spe-*
 24 *cialists, responsible for coordinating and overseeing*

1 *therapy at such facility for patients experiencing*
 2 *acute and chronic pain that is non-cancer related.*

3 (2) *ESTABLISHMENT OF PROTOCOLS.—*

4 (A) *IN GENERAL.—The director of each Vet-*
 5 *erans Integrated Service Network shall establish*
 6 *protocols for the designation of pain manage-*
 7 *ment teams at each medical facility within that*
 8 *Veterans Integrated Service Network.*

9 (B) *CONSULTATION ON PRESCRIPTION OF*
 10 *OPIOIDS.—Each protocol established for a med-*
 11 *ical facility under subparagraph (A) shall ensure*
 12 *that any health care provider without expertise*
 13 *in prescribing analgesics or who has not com-*
 14 *pleted the education and training under sub-*
 15 *section (b), such as a mental health care pro-*
 16 *vider, does not prescribe opioids to a patient un-*
 17 *less that health care provider—*

18 (i) *consults with a health care provider*
 19 *with pain management expertise or who is*
 20 *on the pain management team of the med-*
 21 *ical facility; and*

22 (ii) *refers the patient to that pain*
 23 *management team for any subsequent pre-*
 24 *scriptions and related therapy.*

25 (3) *REPORT.—*

1 (A) *IN GENERAL.*—Not later than one year
 2 after the date of the enactment of this Act, the
 3 head of each medical facility of the Department
 4 shall submit to the director of the Veterans Inte-
 5 grated Service Network in which the medical fa-
 6 cility is located a report identifying the health
 7 care professionals that have been designated as
 8 members of the pain management team at the
 9 medical facility.

10 (B) *ELEMENTS.*—Each report submitted
 11 under subparagraph (A) with respect to a med-
 12 ical facility of the Department shall include—

13 (i) a certification as to whether all
 14 members of the pain management team at
 15 the medical facility have completed the edu-
 16 cation and training required under sub-
 17 section (b); and

18 (ii) a plan for the management and re-
 19 ferral of patients to such pain management
 20 team if health care providers without exper-
 21 tise in prescribing analgesics prescribe
 22 opioid medications to treat acute and
 23 chronic pain that is non-cancer related.

24 (d) *TRACKING AND MONITORING OF OPIOID USE.*—

1 (1) *PRESCRIPTION DRUG MONITORING PROGRAMS*
 2 *OF STATES.*—*In carrying out the Opioid Safety Ini-*
 3 *tiative and the Opioid Therapy Risk Report tool of*
 4 *the Department, the Secretary shall—*

5 (A) *ensure access by health care providers of*
 6 *the Department to information on controlled sub-*
 7 *stances, including opioids and benzodiazepines,*
 8 *prescribed to veterans who receive care outside*
 9 *the Department through the prescription drug*
 10 *monitoring program of each State, including by*
 11 *seeking to enter into memoranda of under-*
 12 *standing with States to allow such access;*

13 (B) *include such information in the Opioid*
 14 *Therapy Risk Report; and*

15 (C) *require health care providers of the De-*
 16 *partment to submit to the prescription drug*
 17 *monitoring program of each State information*
 18 *on prescriptions of controlled substances received*
 19 *by veterans in that State under the laws admin-*
 20 *istered by the Secretary.*

21 (2) *REPORT ON TRACKING OF DATA ON OPIOID*
 22 *USE.*—*Not later than 180 days after the date of the*
 23 *enactment of this Act, the Secretary shall submit to*
 24 *Congress a report on the feasibility and advisability*
 25 *of improving the Opioid Therapy Risk Report tool of*

1 *the Department to allow for more advanced real-time*
 2 *tracking of and access to data on—*

3 *(A) the key clinical indicators with respect*
 4 *to the totality of opioid use by veterans;*

5 *(B) concurrent prescribing by health care*
 6 *providers of the Department of opioids in dif-*
 7 *ferent health care settings, include data on con-*
 8 *current prescribing of opioids to treat mental*
 9 *health disorders other than opioid use disorder;*
 10 *and*

11 *(C) mail-order prescriptions of opioids pre-*
 12 *scribed to veterans under the laws administered*
 13 *by the Secretary.*

14 *(e) AVAILABILITY OF OPIOID RECEPTOR ANTAGO-*
 15 *NISTS.—*

16 *(1) INCREASED AVAILABILITY AND USE.—*

17 *(A) IN GENERAL.—The Secretary shall in-*
 18 *crease the availability of opioid receptor antago-*
 19 *nists approved by the Food and Drug Adminis-*
 20 *tration, such as naloxone, to veterans.*

21 *(B) AVAILABILITY, TRAINING, AND DIS-*
 22 *TRIBUTION.—In carrying out subparagraph (A),*
 23 *the Secretary shall, not later than 90 days after*
 24 *the date of the enactment of this Act—*

1 (i) equip each pharmacy of the Depart-
 2 ment with opioid receptor antagonists ap-
 3 proved by the Food and Drug Administra-
 4 tion to be dispensed to outpatients as need-
 5 ed; and

6 (ii) expand the Overdose Education
 7 and Naloxone Distribution program of the
 8 Department to ensure that all veterans in
 9 receipt of health care under the laws admin-
 10 istered by the Secretary who are at risk of
 11 opioid overdose may access such opioid re-
 12 ceptor antagonists and training on the
 13 proper administration of such opioid recep-
 14 tor antagonists.

15 (C) VETERANS WHO ARE AT RISK.—For
 16 purposes of subparagraph (B), veterans who are
 17 at risk of opioid overdose include—

18 (i) veterans receiving long-term opioid
 19 therapy;

20 (ii) veterans receiving opioid therapy
 21 who have a history of substance use disorder
 22 or prior instances of overdose; and

23 (iii) veterans who are at risk as deter-
 24 mined by a health care provider who is
 25 treating the veteran.

1 (2) *REPORT*.—Not later than 120 days after the
 2 date of the enactment of this Act, the Secretary shall
 3 submit to the Committee on Veterans' Affairs of the
 4 Senate and the Committee on Veterans' Affairs of the
 5 House of Representatives a report on compliance with
 6 paragraph (1) that includes an assessment of any re-
 7 maining steps to be carried out by the Department to
 8 comply with such paragraph.

9 (f) *INCLUSION OF CERTAIN INFORMATION AND CAPA-*
 10 *BILITIES IN OPIOID THERAPY RISK REPORT TOOL*.—

11 (1) *INFORMATION*.—The Secretary shall include
 12 in the Opioid Therapy Risk Report tool of the De-
 13 partment—

14 (A) information on the most recent time the
 15 tool was accessed by a health care provider of the
 16 Department with respect to each veteran; and

17 (B) information on the results of the most
 18 recent urine drug test for each veteran.

19 (2) *CAPABILITIES*.—The Secretary shall include
 20 in the Opioid Therapy Risk Report tool the ability of
 21 health care providers of the Department to determine
 22 whether a health care provider of the Department pre-
 23 scribed opioids to a veteran without checking the in-
 24 formation in the tool with respect to the veteran.

1 (g) *NOTIFICATION OF RISK IN COMPUTERIZED*
 2 *HEALTH RECORD.*—*The Secretary shall modify the Com-*
 3 *puterized Patient Record System of the Department to en-*
 4 *sure that any health care provider that accesses the record*
 5 *of a veteran, regardless of the reason the veteran seeks care*
 6 *from the health care provider, will be immediately notified*
 7 *whether the veteran—*

8 (1) *is receiving opioid therapy and has a history*
 9 *of substance use disorder or prior instances of over-*
 10 *dose;*

11 (2) *has a history of opioid abuse; or*

12 (3) *is at risk of becoming an opioid abuser as de-*
 13 *termined by a health care provider who is treating*
 14 *the veteran.*

15 (h) *CONTROLLED SUBSTANCE DEFINED.*—*In this sec-*
 16 *tion, the term “controlled substance” has the meaning given*
 17 *that term in section 102 of the Controlled Substances Act*
 18 *(21 U.S.C. 802).*

19 **SEC. 423. ENHANCEMENT OF JOINT WORKING GROUP ON**
 20 **PAIN MANAGEMENT OF THE DEPARTMENT OF**
 21 **VETERANS AFFAIRS AND THE DEPARTMENT**
 22 **OF DEFENSE.**

23 (a) *IN GENERAL.*—*Not later than 90 days after the*
 24 *date of the enactment of this Act, the Secretary of Veterans*
 25 *Affairs and the Secretary of Defense shall ensure that the*

1 *Pain Management Working Group of the Health Executive*
2 *Committee of the Department of Veterans Affairs-Depart-*
3 *ment of Defense Joint Executive Committee established*
4 *under section 320 of title 38, United States Code, includes*
5 *a focus on the following:*

6 (1) *The opioid prescribing practices of health*
7 *care providers of each Department.*

8 (2) *The ability of each Department to manage*
9 *acute and chronic pain among individuals receiving*
10 *health care from that Department, including training*
11 *health care providers with respect to pain manage-*
12 *ment.*

13 (3) *The use by each Department of complemen-*
14 *tary and integrative health in treating such individ-*
15 *uals.*

16 (4) *The concurrent use by health care providers*
17 *of each Department of opioids and prescription drugs*
18 *to treat mental health disorders, including*
19 *benzodiazepines.*

20 (5) *The practice by health care providers of each*
21 *Department of prescribing opioids to treat mental*
22 *health disorders.*

23 (6) *The coordination in coverage of and con-*
24 *sistent access to medications prescribed for patients*
25 *transitioning from receiving health care from the De-*

1 *partment of Defense to receiving health care from the*
2 *Department of Veterans Affairs.*

3 *(7) The ability of each Department to identify*
4 *and treat substance use disorders among individuals*
5 *receiving health care from that Department.*

6 *(b) COORDINATION AND CONSULTATION.—The Sec-*
7 *retary of Veterans Affairs and the Secretary of Defense shall*
8 *ensure that the working group described in subsection (a)—*

9 *(1) coordinates the activities of the working*
10 *group with other relevant working groups established*
11 *under section 320 of title 38, United States Code, in-*
12 *cluding the working groups on evidence based prac-*
13 *tice, patient safety, pharmacy, and psychological*
14 *health;*

15 *(2) consults with other relevant Federal agencies,*
16 *including the Centers for Disease Control and Preven-*
17 *tion, with respect to the activities of the working*
18 *group; and*

19 *(3) consults with the Department of Veterans Af-*
20 *fairs and the Department of Defense with respect to,*
21 *reviews, and comments on the VA/DOD Clinical*
22 *Practice Guideline for Management of Opioid Ther-*
23 *apy for Chronic Pain, or any successor guideline, be-*
24 *fore any update to the guideline is released.*

1 (c) *CONSULTATION.*—*The Secretary of Veterans Affairs*
 2 *and the Secretary of Defense shall ensure that the working*
 3 *group described in subsection (a) is able to meaningfully*
 4 *consult with respect to the updated guideline required under*
 5 *subsection (a) of section 421, as required by subsection (b)*
 6 *of such section, not later than one year after the date of*
 7 *the enactment of this Act.*

8 **SEC. 424. ESTABLISHMENT OF PAIN MANAGEMENT BOARDS**
 9 **OF DEPARTMENT OF VETERANS AFFAIRS.**

10 (a) *IN GENERAL.*—*Subchapter I of chapter 73 of title*
 11 *38, United States Code, is amended by adding at the end*
 12 *the following new section:*

13 **“§ 7309A. Pain management boards**

14 “(a) *ESTABLISHMENT.*—*The Secretary shall establish*
 15 *in each Veterans Integrated Service Network a Pain Man-*
 16 *agement Board (in this section referred to as a ‘Board’).*

17 “(b) *ACTIVITIES.*—(1) *Each Board may—*

18 “(A) *consult with health care professionals and*
 19 *other employees of the Department located in the Vet-*
 20 *erans Integrated Service Network covered by the*
 21 *Board, patients who are being treated at medical fa-*
 22 *cilities of the Department located in such Veterans In-*
 23 *tegrated Service Network, and family members of such*
 24 *patients with respect to the pain management re-*
 25 *sources and best practices of the Department;*

1 “(B) oversee compliance by the health care pro-
 2 fessionals and other employees of the Department with
 3 the best practices of the Department, including by
 4 issuing recommendations to improve compliance with
 5 those best practices;

6 “(C) provide oversight of the pain management
 7 practices of the pain management teams of each med-
 8 ical facility of the Department and the health care
 9 professionals and other employees of the Department
 10 that are located in the Veterans Integrated Service
 11 Network covered by the Board;

12 “(D) host educational events, as the Board con-
 13 siders appropriate, for individuals specified in sub-
 14 paragraph (A) on pain management and treatment
 15 that may include the sharing of updated research and
 16 best practices from medical experts, other health care
 17 systems, and such other Federal agencies as the Board
 18 considers necessary to carry out this subparagraph;
 19 and

20 “(E) host public events, as the Board considers
 21 appropriate, during which health care professionals
 22 discuss and share best practices on pain management
 23 and complementary and integrative health.

24 “(2)(A) Each Board may provide treatment rec-
 25 ommendations for patients with complex clinical pain who

1 *are being treated at a medical facility of the Department*
 2 *located in the Veterans Integrated Service Network covered*
 3 *by the Board, and assist in facilitating communication be-*
 4 *tween such patients and their health care providers, regard-*
 5 *less of whether such treatment is on an in-patient or out-*
 6 *patient basis, and for whom a request for such recommenda-*
 7 *tions, subject to subparagraph (C), has been made by an*
 8 *individual described in subparagraph (B).*

9 “(B) *An individual described in this subparagraph is*
 10 *one of the following individuals:*

11 “(i) *The patient.*

12 “(ii) *The spouse of the patient.*

13 “(iii) *A family member of the patient or another*
 14 *individual if such family member or individual has*
 15 *been designated by the patient to make health care de-*
 16 *cisions for the patient or to receive health care infor-*
 17 *mation with respect to the patient.*

18 “(iv) *A physician of the patient.*

19 “(v) *An employee of the medical facility of the*
 20 *Department described in subparagraph (A).*

21 “(C) *An individual described in subparagraph (B)*
 22 *may not request treatment recommendations under sub-*
 23 *paragraph (A) unless the individual—*

24 “(i) *has requested treatment recommendations*
 25 *from the pain management team of the medical facil-*

1 *ity of the Department at which the patient is receiv-*
2 *ing treatment; and*

3 *“(ii) has received treatment recommendations*
4 *from such team and is not satisfied with those treat-*
5 *ment recommendations.*

6 *“(D) Treatment recommendations provided under sub-*
7 *paragraph (A) shall assist the patient and health care pro-*
8 *vider in determining the best treatment plan for the patient*
9 *and shall not dictate the treatment plan used by the health*
10 *care provider.*

11 *“(3) Based on treatment recommendations developed*
12 *under paragraph (2)(A), consultations conducted under*
13 *paragraph (1)(A), and educational and public events hosted*
14 *under subparagraphs (D) and (E) of paragraph (1), each*
15 *Board may provide to health care professionals of the De-*
16 *partment located in the Veterans Integrated Service Net-*
17 *work covered by the Board recommendations on the best*
18 *practices regarding pain management in cases of complex*
19 *clinical pain.*

20 *“(4)(A) Not later than January 31 of each year, the*
21 *Secretary shall submit to the Committee on Veterans’ Af-*
22 *fairs of the Senate and the Committee on Veterans’ Affairs*
23 *of the House of Representatives a report that contains com-*
24 *prehensive information from each Board (with all person-*
25 *ally identifiable information of patients redacted) on pain*

1 *management practices carried out in the Veterans Inte-*
 2 *grated Service Network covered by the Board.*

3 “(B) *Each report submitted by the Secretary under*
 4 *subparagraph (A) shall include, for the year preceding the*
 5 *submittal of the report—*

6 “(i) *a summary and explanation of the treat-*
 7 *ment recommendations provided under paragraph*
 8 *2(A) during such year; and*

9 “(ii) *the recommendations for best practices pro-*
 10 *vided to health care professionals under paragraph*
 11 *(3) during such year.*

12 “(5) *The Federal Advisory Committee Act (5 U.S.C.*
 13 *App.) shall not apply to any Board.*

14 “(c) *MEMBERSHIP.—(1) Each Board shall include the*
 15 *following individuals appointed by the Secretary:*

16 “(A) *A board certified pain medicine specialist.*

17 “(B) *A trained and qualified member of the pri-*
 18 *mary care team of a medical facility of the Depart-*
 19 *ment with experience in pain care, such as a nurse*
 20 *practitioner.*

21 “(C) *A pain psychologist.*

22 “(D) *A pain social worker.*

23 “(E) *A clinical pharmacist.*

24 “(F) *A pain point of contact for a Veterans Inte-*
 25 *grated Service Network.*

1 “(G) A physician with addiction and
2 psychopharmacology expertise and experience.

3 “(H) An allied health care professional.

4 “(I) A clinician with expertise in complemen-
5 tary and integrative health.

6 “(J) A clinical behavioral therapist.

7 “(K) A patient advocate.

8 “(L) A representative of the labor interests of
9 employees of the Department who are responsible for
10 prescribing drugs.

11 “(M) Two current or former clinical patients
12 who are representative of the demographic of patients
13 served by the Veterans Integrated Service Network
14 covered by the Board.

15 “(N) A family member of a current or former
16 clinical patient who is representative of the demo-
17 graphic of patients served by the Veterans Integrated
18 Service Network covered by the Board.

19 “(2) The Secretary shall determine the terms of service
20 of the members of each Board, taking into consideration the
21 clinical duties of members who are employees of the Depart-
22 ment.

23 “(3)(A) Members of each Board shall serve without pay
24 and, except as provided in subparagraph (B), members who
25 are full-time officers or employees of the United States may

1 *not receive additional pay, allowances, or benefits by reason*
 2 *of their service on the Board.*

3 “(B) *Members may receive travel expenses, including*
 4 *per diem in lieu of subsistence, for travel in connection with*
 5 *their duties as members of the Board.*

6 “(C)(i) *Except as provided in clause (ii), any member*
 7 *who has clinical duties as an officer or employee of the*
 8 *United States shall be relieved of such duties during periods*
 9 *in which such relief is necessary for the member to carry*
 10 *out the duties of the Board.*

11 “(ii) *The Secretary shall ensure that carrying out the*
 12 *duties of the Board does not prevent any member who has*
 13 *clinical duties as an employee of the Department from fur-*
 14 *nishing direct clinical care as appropriate to maintain*
 15 *quality patient care.*

16 “(d) *PARTICIPATION OF CERTAIN MEMBERS.—(1) In*
 17 *carrying out the activities of a Board under subsection (b),*
 18 *any member appointed under subsection (c)(1) solely based*
 19 *on qualifications under subparagraph (K), (L), (M), or (N)*
 20 *of subsection (c)(1)—*

21 “(A) *may not have access to specific information*
 22 *identifying a patient and other confidential informa-*
 23 *tion relating to a patient; and*

1 “(B) *except as provided in paragraph (2), may*
 2 *not participate in providing treatment recommenda-*
 3 *tions under subsection (b)(2)(A).*

4 “(2) *In carrying out the activities of the Board under*
 5 *subsection (b), a member appointed under subsection (c)(1)*
 6 *solely based on qualifications under subparagraph (K) of*
 7 *subsection (c)(1) may be present during the provision of*
 8 *treatment recommendations under subsection (b)(2)(A) with*
 9 *the consent and upon the request of the patient for which*
 10 *such treatment recommendations are provided for purposes*
 11 *of representing the interests of the patient.*

12 “(e) *EMPLOYMENT PROTECTIONS.—No adverse per-*
 13 *sonnel action may be made against an employee of the De-*
 14 *partment in connection with a communication by the em-*
 15 *ployee with a member of a Board relating to the activities*
 16 *of the Board under subsection (b) and any such communica-*
 17 *tion shall be covered by the employment and whistleblower*
 18 *protections otherwise applicable to communications by em-*
 19 *ployees of the Department.*

20 “(f) *RESOURCES OF DEPARTMENT.—The Secretary*
 21 *shall make available to each Board the resources and per-*
 22 *sonnel of the Department necessary for the Board to carry*
 23 *out the activities of the Board under subsection (b), includ-*
 24 *ing resources and personnel of the General Counsel of the*
 25 *Department.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 73 of such title is amended by in-*
 3 *serting after the item relating to section 7309 the following*
 4 *new item:*

“7309A. Pain management boards.”.

5 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 6 *section shall take effect on the date that is one year after*
 7 *the date of the enactment of this Act.*

8 **SEC. 425. REVIEW, INVESTIGATION, AND REPORT ON USE**
 9 **OF OPIOIDS IN TREATMENT BY DEPARTMENT**
 10 **OF VETERANS AFFAIRS.**

11 (a) *INDEPENDENT REVIEW.*—

12 (1) *IN GENERAL.*—*Not later than two years after*
 13 *the date of the enactment of this Act, the Secretary of*
 14 *Veterans Affairs shall enter into a contract with an*
 15 *independent entity with expertise in assessing clinical*
 16 *prescribing practices to conduct an independent re-*
 17 *view of the Opioid Safety Initiative of the Depart-*
 18 *ment of Veterans Affairs and the opioid prescribing*
 19 *practices of health care providers of the Department.*

20 (2) *REPORT.*—

21 (A) *IN GENERAL.*—*Not later than 30 days*
 22 *after completing the independent review under*
 23 *paragraph (1), the independent entity that car-*
 24 *ried out such review shall submit to the Sec-*
 25 *retary, the Committee on Veterans’ Affairs of the*

Senate, and the Committee on Veterans' Affairs of the House of Representatives a report on the findings and recommendations of the independent entity with respect to such review.

(B) *ELEMENTS.*—The report submitted under subparagraph (A) by the independent entity described in such subparagraph—

(i) shall include—

(I) recommendations on such improvements to the Opioid Safety Initiative of the Department as the independent entity considers appropriate;

(II) information with respect to—

(aa) deaths resulting from sentinel events involving veterans prescribed opioids by a health care provider of the Department;

(bb) overall prescription rates and prescription indications of opioids at all medical facilities of the Department to treat non-cancer, non-palliative, and non-hospice care patients, including whether such prescription rates for each medical facility or health

1 care provider of the Department
2 conflicts with or is otherwise in-
3 consistent with the standards of
4 appropriate and safe care with re-
5 spect to such prescription rates;

6 (cc) the prescription rates
7 and prescription indications of
8 benzodiazepines and opioids con-
9 comitantly by health care pro-
10 viders of the Department, includ-
11 ing whether such prescription
12 rates for each medical facility or
13 health care provider of the De-
14 partment conflicts with or is oth-
15 erwise inconsistent with the
16 standards of appropriate and safe
17 care with respect to such prescrip-
18 tion rates;

19 (dd) the practice by health
20 care providers of the Department
21 of prescribing opioids to treat pa-
22 tients without any pain, includ-
23 ing to treat patients with mental
24 health disorders other than opioid
25 use disorder; and

1 *(ee) the effectiveness of opioid*
2 *therapy for patients receiving*
3 *such therapy, including the effec-*
4 *tiveness of long-term opioid ther-*
5 *apy; and*

6 *(III) an assessment of the compli-*
7 *ance of the Department with the VA/*
8 *DOD Clinical Practice Guideline for*
9 *Management of Opioid Therapy for*
10 *Chronic Pain, as updated under sec-*
11 *tion 421(a); and*

12 *(ii) may include recommendations*
13 *with respect to whether the Department*
14 *should implement policies relating to per-*
15 *formance management, such as written*
16 *warnings or performance improvement*
17 *plans, for health care providers of the De-*
18 *partment that are—*

19 *(I) not practicing at a level meet-*
20 *ing or exceeding the minimum level*
21 *standard of care established by the De-*
22 *partment; and*

23 *(II) not following the enhanced*
24 *guidance with respect to absolute con-*
25 *traindications for opioid therapy set*

1 *forth in the VA/DOD Clinical Practice*
 2 *Guideline for Management of Opioid*
 3 *Therapy for Chronic Pain, as updated*
 4 *under section 421(a).*

5 (b) *ANNUAL REVIEW, INVESTIGATION, AND REPORT ON*
 6 *OPIOID THERAPY.—*

7 (1) *ANNUAL REVIEW OF PRESCRIPTION RATES.—*

8 *Not later than one year after the date of the enact-*
 9 *ment of this Act, and not less frequently than annu-*
 10 *ally thereafter, the Secretary of Veterans Affairs shall,*
 11 *with respect to each medical facility of the Depart-*
 12 *ment of Veterans Affairs, collect and review informa-*
 13 *tion on opioids prescribed by health care providers at*
 14 *the facility to treat non-cancer, non-palliative, and*
 15 *non-hospice care patients, including information*
 16 *on—*

17 (A) *the prescription rate at which each*
 18 *health care provider at the facility prescribed*
 19 *benzodiazepines and opioids concurrently to such*
 20 *patients and the aggregate such prescription rate*
 21 *for all health care providers at the facility;*

22 (B) *the prescription rate at which each*
 23 *health care provider at the facility prescribed*
 24 *benzodiazepines or opioids to such patients to*
 25 *treat conditions for which opioids or*

1 *benzodiazepines are not an approved treatment*
2 *and the aggregate such prescription rate for all*
3 *health care providers at the facility;*

4 *(C) the prescription rate at which each*
5 *health care provider at the facility prescribed or*
6 *dispensed mail-order prescriptions of opioids to*
7 *such patients while such patients were being*
8 *treated with opioids on an inpatient-basis and*
9 *the aggregate such prescription rate for all health*
10 *care providers at the facility; and*

11 *(D) the prescription rate at which each*
12 *health care provider at the facility prescribed*
13 *opioids to such patients who were also concu-*
14 *rently prescribed opioids by a health care pro-*
15 *vider that is not a health care provider of the*
16 *Department and the aggregate such prescription*
17 *rate for all health care providers at the facility.*

18 *(2) INVESTIGATION OF PRESCRIPTION RATES.—If*
19 *the Secretary determines that a prescription rate de-*
20 *scribed in paragraph (1) with respect to a health care*
21 *provider or medical facility of the Department con-*
22 *flicts with or is otherwise inconsistent with the stand-*
23 *ards of appropriate and safe care, the Secretary*
24 *shall—*

1 (A) include information relating to such de-
 2 termination, prescription rate, and health care
 3 provider or medical facility, as the case may be,
 4 in the report submitted under paragraph (3)(F);

5 (B) through the Office of the Medical In-
 6 spectator of the Veterans Health Administration,
 7 conduct a full investigation of the health care
 8 provider or medical facility, as the case may be;
 9 and

10 (C) immediately notify the Committee on
 11 Veterans' Affairs of the Senate, the Committee on
 12 Veterans' Affairs of the House of Representatives,
 13 and each Member of the Senate and the House
 14 of Representatives who represents the area in
 15 which the health care provider or medical facil-
 16 ity, as the case may be, is located.

17 (3) *REPORT ON OPIOID THERAPY.*—Not later
 18 than one year after the date of the enactment of this
 19 Act, and not less frequently than annually thereafter,
 20 the Secretary shall submit to the Committee on Vet-
 21 erans' Affairs of the Senate and the Committee on
 22 Veterans' Affairs of the House of Representatives a re-
 23 port that contains, for the one year period preceding
 24 the submittal of the report, the following:

1 (A) *The number of patients and the percent-*
2 *age of the patient population of the Department*
3 *of Veterans Affairs who were prescribed*
4 *benzodiazepines and opioids concurrently by a*
5 *health care provider of the Department.*

6 (B) *The number of patients and the per-*
7 *centage of the patient population of the Depart-*
8 *ment without any pain who were prescribed*
9 *opioids by a health care provider of the Depart-*
10 *ment, including those who were prescribed*
11 *benzodiazepines and opioids concurrently.*

12 (C) *The number of non-cancer, non-pallia-*
13 *tive, and non-hospice care patients and the per-*
14 *centage of such patients who were treated with*
15 *opioids by a health care provider of the Depart-*
16 *ment on an inpatient-basis and who also re-*
17 *ceived prescription opioids by mail from the De-*
18 *partment while being treated on an inpatient-*
19 *basis.*

20 (D) *The number of non-cancer, non-pallia-*
21 *tive, and non-hospice care patients and the per-*
22 *centage of such patients who were prescribed*
23 *opioids concurrently by a health care provider of*
24 *the Department and a health care provider that*
25 *is not a health care provider of the Department.*

1 (E) *With respect to each medical facility of*
 2 *the Department, the number of times a phar-*
 3 *macist at the facility overrode a critical drug*
 4 *interaction warning with respect to an inter-*
 5 *action between opioids and another medication*
 6 *before dispensing a medication to a veteran.*

7 (F) *The results of the review conducted*
 8 *under paragraph (1) (including a summary of*
 9 *such review at the Veterans Integrated Service*
 10 *Network level) and the investigation conducted*
 11 *under paragraph (2) (including information de-*
 12 *scribed in paragraph (2)(A)), compiled in such*
 13 *a manner as the Secretary determines appro-*
 14 *priate to ensure that the information is easily*
 15 *accessible.*

16 (G) *An assessment of the compliance of the*
 17 *Department with the VA/DOD Clinical Practice*
 18 *Guideline for Management of Opioid Therapy*
 19 *for Chronic Pain, including any update to such*
 20 *guideline.*

21 (c) *PRESCRIPTION RATE DEFINED.—In this section,*
 22 *the term “prescription rate” means, with respect to a health*
 23 *care provider or medical facility of the Department, each*
 24 *of the following:*

1 (1) *The number of patients treated with opioids*
 2 *by the health care provider or at the medical facility,*
 3 *as the case may be, divided by the total number of*
 4 *pharmacy users of that health care provider or at that*
 5 *medical facility.*

6 (2) *The average number of morphine equivalents*
 7 *per day prescribed by the health care provider or at*
 8 *the medical facility, as the case may be, to patients*
 9 *being treated with opioids.*

10 (3) *Of the patients being treated with opioids by*
 11 *the health care provider or at the medical facility, as*
 12 *the case may be, the average number of prescriptions*
 13 *of opioids per patient.*

14 ***Subtitle C—Patient Advocacy***

15 ***SEC. 431. ESTABLISHMENT OF OFFICE OF PATIENT ADVOCACY OF THE DEPARTMENT OF VETERANS AFFAIRS.***

18 (a) *IN GENERAL.*—Subchapter I of chapter 73 of title
 19 38, United States Code, as amended by section 424(a), is
 20 further amended by adding at the end the following new
 21 section:

22 ***“§ 7309B. Office of Patient Advocacy***

23 “(a) *ESTABLISHMENT.*—There is established in the De-
 24 partment within the Office of the Under Secretary for

1 *Health an office to be known as the ‘Office of Patient Advo-*
 2 *cacy’ (in this section referred to as the ‘Office’).*

3 “(b) *HEAD.—(1) The Director of the Office of Patient*
 4 *Advocacy shall be the head of the Office.*

5 “(2) *The Director of the Office of Patient Advocacy*
 6 *shall be appointed by the Under Secretary for Health from*
 7 *among individuals qualified to perform the duties of the*
 8 *position and shall report directly to the Under Secretary*
 9 *for Health.*

10 “(c) *FUNCTION.—(1) The function of the Office is to*
 11 *carry out the Patient Advocacy Program of the Department.*

12 “(2) *In carrying out the Patient Advocacy Program*
 13 *of the Department, the Director shall ensure that patient*
 14 *advocates of the Department—*

15 “(A) *advocate on behalf of veterans with respect*
 16 *to health care received and sought by veterans under*
 17 *the laws administered by the Secretary;*

18 “(B) *carry out the responsibilities specified in*
 19 *subsection (d); and*

20 “(C) *receive training in patient advocacy.*

21 “(d) *PATIENT ADVOCACY RESPONSIBILITIES.—The re-*
 22 *sponsibilities of each patient advocate at a medical facility*
 23 *of the Department are the following:*

24 “(1) *To resolve complaints by veterans with re-*
 25 *spect to health care furnished under the laws admin-*

1 *istered by the Secretary that cannot be resolved at the*
2 *point of service or at a higher level easily accessible*
3 *to the veteran.*

4 *“(2) To present at various meetings and to var-*
5 *ious committees the issues experienced by veterans in*
6 *receiving such health care at such medical facility.*

7 *“(3) To express to veterans their rights and re-*
8 *sponsibilities as patients in receiving such health*
9 *care.*

10 *“(4) To manage the Patient Advocate Tracking*
11 *System of the Department at such medical facility.*

12 *“(5) To compile data at such medical facility of*
13 *complaints made by veterans with respect to the re-*
14 *ceipt of such health care at such medical facility and*
15 *the satisfaction of veterans with such health care at*
16 *such medical facility to determine whether there are*
17 *trends in such data.*

18 *“(6) To ensure that a process is in place for the*
19 *distribution of the data compiled under paragraph*
20 *(5) to appropriate leaders, committees, services, and*
21 *staff of the Department.*

22 *“(7) To identify, not less frequently than quar-*
23 *terly, opportunities for improvements in the fur-*
24 *nishing of such health care to veterans at such med-*
25 *ical facility based on complaints by veterans.*

1 “(8) *To ensure that any significant complaint by*
2 *a veteran with respect to such health care is brought*
3 *to the attention of appropriate staff of the Depart-*
4 *ment to trigger an assessment of whether there needs*
5 *to be a further analysis of the problem at the facility-*
6 *wide level.*

7 “(9) *To support any patient advocacy programs*
8 *carried out by the Department.*

9 “(10) *To ensure that all appeals and final deci-*
10 *sions with respect to the receipt of such health care*
11 *are entered into the Patient Advocate Tracking Sys-*
12 *tem of the Department.*

13 “(11) *To understand all laws, directives, and*
14 *other rules with respect to the rights and responsibil-*
15 *ities of veterans in receiving such health care, includ-*
16 *ing the appeals processes available to veterans.*

17 “(12) *To ensure that veterans receiving mental*
18 *health care, or the surrogate decision makers for such*
19 *veterans, are aware of the rights of veterans to seek*
20 *representation from systems established under section*
21 *103 of the Protection and Advocacy for Mentally Ill*
22 *Individuals Act of 1986 (42 U.S.C. 10803) to protect*
23 *and advocate the rights of individuals with mental*
24 *illness and to investigate incidents of abuse and ne-*
25 *glect of such individuals.*

1 “(13) *To fulfill requirements established by the*
 2 *Secretary with respect to the inspection of controlled*
 3 *substances.*

4 “(14) *To document potentially threatening be-*
 5 *havior and report such behavior to appropriate au-*
 6 *thorities.*

7 “(e) *TRAINING.—In providing training to patient ad-*
 8 *vocates under subsection (c)(2)(C), the Director shall ensure*
 9 *that such training is consistent throughout the Department.*

10 “(f) *CONTROLLED SUBSTANCE DEFINED.—In this sec-*
 11 *tion, the term ‘controlled substance’ has the meaning given*
 12 *that term in section 102 of the Controlled Substances Act*
 13 *(21 U.S.C. 802).”.*

14 “(b) *CLERICAL AMENDMENT.—The table of sections at*
 15 *the beginning of chapter 73 of such title, as amended by*
 16 *section 424(b), is further amended by adding after the item*
 17 *relating to section 7309A the following new item:*

“7309B. Office of Patient Advocacy.”.

18 “(c) *DATE FULLY OPERATIONAL.—The Secretary of*
 19 *Veterans Affairs shall ensure that the Office of Patient Ad-*
 20 *vocacy established in section 7309B of title 38, United*
 21 *States Code, as added by subsection (a), is fully operational*
 22 *not later than the date that is one year after the date of*
 23 *the enactment of this Act.*

1 **SEC. 432. COMMUNITY MEETINGS ON IMPROVING CARE**
2 **FROM DEPARTMENT OF VETERANS AFFAIRS.**

3 (a) *COMMUNITY MEETINGS.*—

4 (1) *MEDICAL CENTERS.*—*Not later than 90 days*
5 *after the date of the enactment of this Act, and not*
6 *less frequently than once every 90 days thereafter,*
7 *each medical center of the Department of Veterans Af-*
8 *fairs shall host a community meeting open to the pub-*
9 *lic on improving health care from the Department.*

10 (2) *COMMUNITY BASED OUTPATIENT CLINICS.*—
11 *Not later than one year after the date of the enact-*
12 *ment of this Act, and not less frequently than annu-*
13 *ally thereafter, each community based outpatient clin-*
14 *ic of the Department shall host a community meeting*
15 *open to the public on improving health care from the*
16 *Department.*

17 (b) *ATTENDANCE BY DIRECTOR OF VETERANS INTE-*
18 *GRATED SERVICE NETWORK OR DESIGNEE.*—

19 (1) *IN GENERAL.*—*Subject to paragraph (2),*
20 *each community meeting hosted by a medical center*
21 *or community based outpatient clinic under sub-*
22 *section (a) shall be attended by the Director of the*
23 *Veterans Integrated Service Network in which the*
24 *medical center or community based outpatient clinic,*
25 *as the case may be, is located, or an employee des-*

1 *igned by the Director who works in the office of the*
 2 *Director .*

3 (2) *ATTENDANCE BY DIRECTOR.—Each Director*
 4 *of a Veterans Integrated Service Network shall attend*
 5 *not less than one community meeting under sub-*
 6 *section (a) hosted by each medical center located in*
 7 *the Veterans Integrated Service Network each year.*

8 (c) *NOTICE.—Each medical center or community*
 9 *based outpatient clinic hosting a community meeting shall*
 10 *send timely notice of the community meeting to the Com-*
 11 *mittee on Veterans' Affairs of the Senate, the Committee*
 12 *on Veterans' Affairs of the House of Representatives, and*
 13 *each Member of the Senate and the House of Representatives*
 14 *who represents the area in which the medical facility is lo-*
 15 *cated.*

16 **SEC. 433. IMPROVEMENT OF AWARENESS OF PATIENT AD-**
 17 **VOCACY PROGRAM AND PATIENT BILL OF**
 18 **RIGHTS OF DEPARTMENT OF VETERANS AF-**
 19 **FAIRS.**

20 *Not later than 90 days after the date of the enactment*
 21 *of this Act, the Secretary of Veterans Affairs shall, in as*
 22 *many prominent locations as appropriate to be seen by the*
 23 *largest percentage of patients and family members of pa-*
 24 *tients at each medical facility of the Department of Vet-*
 25 *erans Affairs—*

1 (1) *display the purposes of the Patient Advocacy*
 2 *Program of the Department and the contact informa-*
 3 *tion for the patient advocate at such medical facility;*
 4 *and*

5 (2) *display the rights and responsibilities of—*

6 (A) *patients and family members of pa-*
 7 *tients at such medical facility; and*

8 (B) *with respect to community living cen-*
 9 *ters and other residential facilities of the Depart-*
 10 *ment, residents and family members of residents*
 11 *at such medical facility.*

12 **SEC. 434. COMPTROLLER GENERAL REPORT ON PATIENT**
 13 **ADVOCACY PROGRAM OF DEPARTMENT OF**
 14 **VETERANS AFFAIRS.**

15 (a) *IN GENERAL.*—*Not later than three years after the*
 16 *date of the enactment of this Act, the Comptroller General*
 17 *of the United States shall submit to the Committee on Vet-*
 18 *erans' Affairs of the Senate and the Committee on Veterans'*
 19 *Affairs of the House of Representatives a report on the Pa-*
 20 *tient Advocacy Program of the Department of Veterans Af-*
 21 *fairs (in this section referred to as the "Program") as car-*
 22 *ried out under the Office of Patient Advocacy of the Depart-*
 23 *ment established in section 7309B of title 38, United States*
 24 *Code, as added by section 431(a).*

1 (b) *ELEMENTS.*—*The report required by subsection*

2 *(a)*—

3 (1) *shall include*—

4 (A) *such recommendations and proposals*
5 *for improving or modifying the Program as the*
6 *Comptroller General considers appropriate; and*

7 (B) *such other information with respect to*
8 *the Program as the Comptroller General con-*
9 *siders appropriate; and*

10 (2) *may include*—

11 (A) *a description of the Program, includ-*
12 *ing*—

13 (i) *the purposes of the Program;*

14 (ii) *the activities carried out under the*
15 *Program; and*

16 (iii) *the sufficiency of the Program in*
17 *achieving the purposes of the Program;*

18 (B) *an assessment of the sufficiency of staff-*
19 *ing of employees of the Department responsible*
20 *for carrying out the Program;*

21 (C) *an assessment of the sufficiency of the*
22 *training of such employees; and*

23 (D) *an assessment of*—

24 (i) *awareness of the Program among*
25 *veterans and their family members; and*

1 (ii) the use of the Program by veterans
2 and their family members.

3 ***Subtitle D—Complementary and***
4 ***Integrative Health***

5 ***SEC. 441. EXPANSION OF RESEARCH AND EDUCATION ON***
6 ***AND DELIVERY OF COMPLEMENTARY AND IN-***
7 ***TEGRATIVE HEALTH TO VETERANS.***

8 (a) *DEVELOPMENT OF PLAN TO EXPAND RESEARCH,*
9 *EDUCATION, AND DELIVERY.*—Not later than 180 days
10 *after the date of the enactment of this Act, the Secretary*
11 *of Veterans Affairs shall develop a plan to expand materi-*
12 *ally and substantially the scope of the effectiveness of re-*
13 *search and education on, and delivery and integration of,*
14 *complementary and integrative health services into the*
15 *health care services provided to veterans.*

16 (b) *ELEMENTS.*—The plan required by subsection (a)
17 *shall provide for the following:*

18 (1) *Research on the following:*

19 (A) *The effectiveness of various complemen-*
20 *tary and integrative health services, including*
21 *the effectiveness of such services integrated with*
22 *clinical therapies.*

23 (B) *Approaches to integrating complemen-*
24 *tary and integrative health services into other*
25 *health care services provided by the Department.*

1 (2) *Education and training for health care pro-*
 2 *essionals of the Department on the following:*

3 (A) *complementary and integrative health*
 4 *services selected by the Secretary for purposes of*
 5 *the plan.*

6 (B) *Appropriate uses of such services.*

7 (C) *Integration of such services into the de-*
 8 *livery of health care to veterans.*

9 (3) *Research, education, and clinical activities*
 10 *on complementary and integrative health at centers of*
 11 *innovation at medical centers of the Department.*

12 (4) *Identification or development of metrics and*
 13 *outcome measures to evaluate the effectiveness of the*
 14 *provision and integration of complementary and inte-*
 15 *grative health services into the delivery of health care*
 16 *to veterans.*

17 (5) *Integration and delivery of complementary*
 18 *and integrative health services with other health care*
 19 *services provided by the Department.*

20 (c) *CONSULTATION.—*

21 (1) *IN GENERAL.—In carrying out subsection*
 22 *(a), the Secretary shall consult with the following:*

23 (A) *The Director of the National Center for*
 24 *Complementary and Integrative Health of the*
 25 *National Institutes of Health.*

1 (B) *The Commissioner of Food and Drugs.*

2 (C) *Institutions of higher education, private*
 3 *research institutes, and individual researchers*
 4 *with extensive experience in complementary and*
 5 *integrative health and the integration of com-*
 6 *plementary and integrative health practices into*
 7 *the delivery of health care.*

8 (D) *Nationally recognized providers of com-*
 9 *plementary and integrative health.*

10 (E) *Such other officials, entities, and indi-*
 11 *viduals with expertise on complementary and in-*
 12 *tegrative health as the Secretary considers appro-*
 13 *priate.*

14 (2) *SCOPE OF CONSULTATION.—The Secretary*
 15 *shall undertake consultation under paragraph (1) in*
 16 *carrying out subsection (a) with respect to the fol-*
 17 *lowing:*

18 (A) *To develop the plan.*

19 (B) *To identify specific complementary and*
 20 *integrative health practices that, on the basis of*
 21 *research findings or promising clinical interven-*
 22 *tions, are appropriate to include as services to*
 23 *veterans.*

24 (C) *To identify barriers to the effective pro-*
 25 *vision and integration of complementary and in-*

1 *tegrative health services into the delivery of*
 2 *health care to veterans, and to identify mecha-*
 3 *nisms for overcoming such barriers.*

4 *(d) COMPLEMENTARY AND INTEGRATIVE HEALTH DE-*
 5 *FINED.—In this section, the term “complementary and inte-*
 6 *grative health” has the meaning given that term by the Na-*
 7 *tional Institutes of Health.*

8 **SEC. 442. PILOT PROGRAM ON INTEGRATION OF COM-**
 9 **PLEMENTARY AND INTEGRATIVE HEALTH**
 10 **WITHIN DEPARTMENT OF VETERANS AFFAIRS**
 11 **MEDICAL CENTERS.**

12 *(a) PILOT PROGRAM REQUIRED.—Not later than 180*
 13 *days after the completion of the development of the plan*
 14 *under section 441, the Secretary of Veterans Affairs shall—*

15 *(1) carry out, through the Office of Patient Cen-*
 16 *tered Care and Cultural Transformation of the De-*
 17 *partment of Veterans Affairs, a pilot program to as-*
 18 *sess the feasibility and advisability of integrating the*
 19 *delivery of complementary and integrative health*
 20 *services selected by the Secretary with other health*
 21 *care services provided by the Department for veterans*
 22 *with mental health conditions, chronic pain condi-*
 23 *tions, other chronic conditions, and such other condi-*
 24 *tions as the Secretary determines appropriate; and*

25 *(2) in developing the pilot program—*

1 (A) use the plan developed under section
2 441; and

3 (B) identify and, to the extent practicable,
4 resolve barriers to the provision of complemen-
5 tary and integrative health services selected by
6 the Secretary and the integration of those serv-
7 ices with other health care services provided by
8 the Department.

9 (b) DURATION OF PILOT PROGRAM.—The Secretary
10 shall carry out the pilot program during the three-year pe-
11 riod beginning on the date that is 180 days after the com-
12 pletion of the development of the plan under section 441.

13 (c) LOCATIONS.—

14 (1) IN GENERAL.—The Secretary shall carry out
15 the pilot program at not fewer than 15 medical cen-
16 ters of the Department.

17 (2) POLYTRAUMA CENTERS.—Not less than two
18 of the medical centers designated under paragraph (1)
19 shall be located at polytrauma rehabilitation centers
20 of the Department.

21 (3) MEDICAL CENTERS WITH PRESCRIPTION
22 RATE OF OPIOIDS THAT CONFLICTS WITH CARE
23 STANDARDS.—

24 (A) IN GENERAL.—In selecting medical cen-
25 ters under paragraph (1), the Secretary shall

1 *give priority to medical centers of the Depart-*
 2 *ment at which there is a prescription rate of*
 3 *opioids that conflicts with or is otherwise incon-*
 4 *sistent with the standards of appropriate and*
 5 *safe care.*

6 *(B) PRESCRIPTION RATE DEFINED.—In this*
 7 *paragraph, the term “prescription rate” means,*
 8 *with respect to a medical center of the Depart-*
 9 *ment, each of the following:*

10 *(i) The number of patients treated with*
 11 *opioids at the medical center divided by the*
 12 *total number of pharmacy users at the med-*
 13 *ical center.*

14 *(ii) The average number of morphine*
 15 *equivalents per day prescribed at the med-*
 16 *ical center to patients being treated with*
 17 *opioids.*

18 *(iii) Of the patients being treated with*
 19 *opioids at the medical center, the average*
 20 *number of prescriptions of opioids per pa-*
 21 *tient.*

22 *(4) SELECTION OF LOCATIONS.—In carrying out*
 23 *the pilot program, the Secretary shall select locations*
 24 *that include the following areas:*

25 *(A) Rural areas.*

1 (B) *Areas that are not in close proximity to*
 2 *an active duty military installation.*

3 (C) *Areas representing different geographic*
 4 *locations, such as census tracts established by the*
 5 *Bureau of the Census.*

6 (d) *PROVISION OF SERVICES.—Under the pilot pro-*
 7 *gram, the Secretary shall provide covered services to covered*
 8 *veterans by integrating complementary and integrative*
 9 *health services with other services provided by the Depart-*
 10 *ment at the medical centers designated under subsection*
 11 *(c)(1).*

12 (e) *COVERED VETERANS.—For purposes of the pilot*
 13 *program, a covered veteran is any veteran who—*

14 (1) *has a mental health condition diagnosed by*
 15 *a clinician of the Department;*

16 (2) *experiences chronic pain;*

17 (3) *has a chronic condition being treated by a*
 18 *clinician of the Department; or*

19 (4) *is not described in paragraph (1), (2), or (3)*
 20 *and requests to participate in the pilot program or is*
 21 *referred by a clinician of the Department who is*
 22 *treating the veteran.*

23 (f) *COVERED SERVICES.—*

24 (1) *IN GENERAL.—For purposes of the pilot pro-*
 25 *gram, covered services are services consisting of com-*

1 *plementary and integrative health services as selected*
 2 *by the Secretary.*

3 (2) *ADMINISTRATION OF SERVICES.—Covered*
 4 *services shall be administered under the pilot pro-*
 5 *gram as follows:*

6 (A) *Covered services shall be administered*
 7 *by professionals or other instructors with appro-*
 8 *priate training and expertise in complementary*
 9 *and integrative health services who are employ-*
 10 *ees of the Department or with whom the Depart-*
 11 *ment enters into an agreement to provide such*
 12 *services.*

13 (B) *Covered services shall be included as*
 14 *part of the Patient Aligned Care Teams initia-*
 15 *tive of the Office of Patient Care Services, Pri-*
 16 *mary Care Program Office, in coordination with*
 17 *the Office of Patient Centered Care and Cultural*
 18 *Transformation.*

19 (C) *Covered services shall be made available*
 20 *to—*

21 (i) *covered veterans who have received*
 22 *conventional treatments from the Depart-*
 23 *ment for the conditions for which the cov-*
 24 *ered veteran seeks complementary and inte-*

1 *grative health services under the pilot pro-*
 2 *gram; and*

3 *(ii) covered veterans who have not re-*
 4 *ceived conventional treatments from the De-*
 5 *partment for such conditions.*

6 *(g) VOLUNTARY PARTICIPATION.—The participation of*
 7 *a veteran in the pilot program shall be at the election of*
 8 *the veteran and in consultation with a clinician of the De-*
 9 *partment.*

10 *(h) REPORT.—*

11 *(1) IN GENERAL.—Not later than three years*
 12 *after the date of the commencement of the pilot pro-*
 13 *gram, the Secretary shall submit to the Committee on*
 14 *Veterans' Affairs of the Senate and the Committee on*
 15 *Veterans' Affairs of the House of Representatives a re-*
 16 *port on the pilot program.*

17 *(2) ELEMENTS.—The report submitted under*
 18 *paragraph (1) shall include the following:*

19 *(A) The findings and conclusions of the Sec-*
 20 *retary with respect to the pilot program, includ-*
 21 *ing with respect to—*

22 *(i) the use and efficacy of the com-*
 23 *plementary and integrative health services*
 24 *established under the pilot program;*

1 (ii) the outreach conducted by the Sec-
 2 retary to inform veterans and community
 3 organizations about the pilot program; and
 4 (iii) an assessment of the benefit of the
 5 pilot program to covered veterans in mental
 6 health diagnoses, pain management, and
 7 treatment of chronic illness.

8 (B) Barriers identified under subsection
 9 (a)(2)(B) that were not resolved.

10 (C) Such recommendations for the continu-
 11 ation or expansion of the pilot program as the
 12 Secretary considers appropriate.

13 (i) *COMPLEMENTARY AND INTEGRATIVE HEALTH DE-*
 14 *FINED.*—In this section, the term “complementary and inte-
 15 grative health” shall have the meaning given that term in
 16 section 441(d).

17 ***Subtitle E—Family Caregivers***

18 ***SEC. 451. EXPANSION OF FAMILY CAREGIVER PROGRAM OF*** 19 ***DEPARTMENT OF VETERANS AFFAIRS.***

20 (a) *FAMILY CAREGIVER PROGRAM.*—

21 (1) *EXPANSION OF ELIGIBILITY.*—

22 (A) *IN GENERAL.*—Subsection (a)(2)(B) of
 23 section 1720G of title 38, United States Code, is
 24 amended to read as follows:

1 “(B) for assistance provided under this sub-
2 section—

3 “(i) before the date on which the Secretary
4 submits to Congress a certification that the De-
5 partment has fully implemented the information
6 technology system required by section 452(a) of
7 the Jason Simcakoski Memorial Act, has a seri-
8 ous injury (including traumatic brain injury,
9 psychological trauma, or other mental disorder)
10 incurred or aggravated in the line of duty in the
11 active military, naval, or air service on or after
12 September 11, 2001;

13 “(ii) during the two-year period beginning
14 on the date specified in clause (i), has a serious
15 injury (including traumatic brain injury, psy-
16 chological trauma, or other mental disorder) in-
17 curred or aggravated in the line of duty in the
18 active military, naval, or air service—

19 “(I) on or before May 7, 1975; or

20 “(II) on or after September 11, 2001;

21 or

22 “(iii) after the date that is two years after
23 the date specified in clause (i), has a serious in-
24 jury (including traumatic brain injury, psycho-
25 logical trauma, or other mental disorder) in-

1 *curred or aggravated in the line of duty in the*
 2 *active military, naval, or air service; and”.*

3 *(B) PUBLICATION IN FEDERAL REGISTER.—*

4 *Not later than 30 days after the date on which*
 5 *the Secretary of Veterans Affairs submits to Con-*
 6 *gress the certification described in subsection*
 7 *(a)(2)(B)(i) of section 1720G of such title, as*
 8 *amended by subparagraph (A) of this paragraph,*
 9 *the Secretary shall publish the date specified in*
 10 *such subsection in the Federal Register.*

11 *(2) EXPANSION OF NEEDED SERVICES IN ELIGI-*
 12 *BILITY CRITERIA.—Subsection (a)(2)(C) of such sec-*
 13 *tion is amended—*

14 *(A) in clause (ii), by striking “; or” and in-*
 15 *serting a semicolon;*

16 *(B) by redesignating clause (iii) as clause*
 17 *(iv); and*

18 *(C) by inserting after clause (ii) the fol-*
 19 *lowing new clause (iii):*

20 *“(iii) a need for regular or extensive in-*
 21 *struction or supervision without which the abil-*
 22 *ity of the veteran to function in daily life would*
 23 *be seriously impaired; or”.*

24 *(3) EXPANSION OF SERVICES PROVIDED.—Sub-*
 25 *section (a)(3)(A)(ii) of such section is amended—*

1 (A) in subclause (IV), by striking “; and”
2 and inserting a semicolon;

3 (B) in subclause (V), by striking the period
4 at the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 subclause:

7 “(VI) through the use of contracts with, or
8 the provision of grants to, public or private enti-
9 ties—

10 “(aa) financial planning services relat-
11 ing to the needs of injured veterans and
12 their caregivers; and

13 “(bb) legal services, including legal ad-
14 vice and consultation, relating to the needs
15 of injured veterans and their caregivers.”.

16 (4) MODIFICATION OF STIPEND CALCULATION.—
17 Subsection (a)(3)(C) of such section is amended—

18 (A) by redesignating clause (iii) as clause
19 (iv); and

20 (B) by inserting after clause (ii) the fol-
21 lowing new clause (iii):

22 “(iii) In determining the amount and degree of per-
23 sonal care services provided under clause (i) with respect
24 to an eligible veteran whose need for personal care services
25 is based in whole or in part on a need for supervision or

1 protection under paragraph (2)(C)(ii) or regular instruc-
 2 tion or supervision under paragraph (2)(C)(iii), the Sec-
 3 retary shall take into account the following:

4 “(I) The assessment by the family caregiver of
 5 the needs and limitations of the veteran.

6 “(II) The extent to which the veteran can func-
 7 tion safely and independently in the absence of such
 8 supervision, protection, or instruction.

9 “(III) The amount of time required for the fam-
 10 ily caregiver to provide such supervision, protection,
 11 or instruction to the veteran.”.

12 (5) PERIODIC EVALUATION OF NEED FOR CER-
 13 TAIN SERVICES.—Subsection (a)(3) of such section is
 14 amended by adding at the end the following new sub-
 15 paragraph:

16 “(D) In providing instruction, preparation, and
 17 training under subparagraph (A)(i)(I) and technical sup-
 18 port under subparagraph (A)(i)(II) to each family care-
 19 giver who is approved as a provider of personal care serv-
 20 ices for an eligible veteran under paragraph (6), the Sec-
 21 retary shall periodically evaluate the needs of the eligible
 22 veteran and the skills of the family caregiver of such veteran
 23 to determine if additional instruction, preparation, train-
 24 ing, or technical support under those subparagraphs is nec-
 25 essary.”.

1 (6) *USE OF PRIMARY CARE TEAMS.*—Subsection
 2 (a)(5) of such section is amended, in the matter pre-
 3 ceding subparagraph (A), by inserting “(in collabora-
 4 tion with the primary care team for the eligible vet-
 5 eran to the maximum extent practicable)” after
 6 “evaluate”.

7 (7) *ASSISTANCE FOR FAMILY CAREGIVERS.*—Sub-
 8 section (a) of such section is amended by adding at
 9 the end the following new paragraph:

10 “(11)(A) In providing assistance under this subsection
 11 to family caregivers of eligible veterans, the Secretary may
 12 enter into contracts, provider agreements, and memoranda
 13 of understanding with Federal agencies, States, and pri-
 14 vate, nonprofit, and other entities to provide such assistance
 15 to such family caregivers.

16 “(B) The Secretary may provide assistance under this
 17 paragraph only if such assistance is reasonably accessible
 18 to the family caregiver and is substantially equivalent or
 19 better in quality to similar services provided by the Depart-
 20 ment.

21 “(C) The Secretary may provide fair compensation to
 22 Federal agencies, States, and other entities that provide as-
 23 sistance under this paragraph.”.

24 (b) *MODIFICATION OF DEFINITION OF PERSONAL CARE*
 25 *SERVICES.*—Subsection (d)(4) of such section is amended—

1 (1) *in subparagraph (A), by striking “inde-*
 2 *pendent”;*

3 (2) *by redesignating subparagraph (B) as sub-*
 4 *paragraph (D); and*

5 (3) *by inserting after subparagraph (A) the fol-*
 6 *lowing new subparagraphs:*

7 “(B) *Supervision or protection based on*
 8 *symptoms or residuals of neurological or other*
 9 *impairment or injury.*

10 “(C) *Regular or extensive instruction or su-*
 11 *pervision without which the ability of the vet-*
 12 *eran to function in daily life would be seriously*
 13 *impaired.”.*

14 **SEC. 452. IMPLEMENTATION OF INFORMATION TECH-**
 15 **NOLOGY SYSTEM OF DEPARTMENT OF VET-**
 16 **ERANS AFFAIRS TO ASSESS AND IMPROVE**
 17 **THE FAMILY CAREGIVER PROGRAM.**

18 (a) *IMPLEMENTATION OF NEW SYSTEM.—*

19 (1) *IN GENERAL.—Not later than December 31,*
 20 *2016, the Secretary of Veterans Affairs shall imple-*
 21 *ment an information technology system that fully*
 22 *supports the Program and allows for data assessment*
 23 *and comprehensive monitoring of the Program.*

1 (2) *ELEMENTS OF SYSTEM.*—*The information*
 2 *technology system required to be implemented under*
 3 *paragraph (1) shall include the following:*

4 (A) *The ability to easily retrieve data that*
 5 *will allow all aspects of the Program (at the*
 6 *medical center and aggregate levels) and the*
 7 *workload trends for the Program to be assessed*
 8 *and comprehensively monitored.*

9 (B) *The ability to manage data with respect*
 10 *to a number of caregivers that is more than the*
 11 *number of caregivers that the Secretary expects*
 12 *to apply for the Program.*

13 (C) *The ability to integrate the system with*
 14 *other relevant information technology systems of*
 15 *the Veterans Health Administration.*

16 (b) *ASSESSMENT OF PROGRAM.*—*Not later than 180*
 17 *days after implementing the system described in subsection*
 18 *(a), the Secretary shall, through the Under Secretary for*
 19 *Health, use data from the system and other relevant data*
 20 *to conduct an assessment of how key aspects of the Program*
 21 *are structured and carried out.*

22 (c) *ONGOING MONITORING OF AND MODIFICATIONS TO*
 23 *PROGRAM.*—

24 (1) *MONITORING.*—*The Secretary shall use the*
 25 *system implemented under subsection (a) to monitor*

1 *and assess the workload of the Program, including*
 2 *monitoring and assessment of data on—*

3 *(A) the status of applications, appeals, and*
 4 *home visits in connection with the Program; and*

5 *(B) the use by caregivers participating in*
 6 *the Program of other support services under the*
 7 *Program such as respite care.*

8 *(2) MODIFICATIONS.—Based on the monitoring*
 9 *and assessment conducted under paragraph (1), the*
 10 *Secretary shall identify and implement such modi-*
 11 *fications to the Program as the Secretary considers*
 12 *necessary to ensure the Program is functioning as in-*
 13 *tended and providing veterans and caregivers partici-*
 14 *pating in the Program with services in a timely man-*
 15 *ner.*

16 *(d) REPORTS.—*

17 *(1) INITIAL REPORT.—*

18 *(A) IN GENERAL.—Not later than 90 days*
 19 *after the date of the enactment of this Act, the*
 20 *Secretary shall submit to the Committee on Vet-*
 21 *erans' Affairs of the Senate, the Committee on*
 22 *Veterans' Affairs of the House of Representatives,*
 23 *and the Comptroller General of the United States*
 24 *a report that includes—*

1 (i) the status of the planning, develop-
 2 ment, and deployment of the system re-
 3 quired to be implemented under subsection
 4 (a), including any changes in the timeline
 5 for the implementation of the system; and

6 (ii) an assessment of the needs of fam-
 7 ily caregivers of veterans described in sub-
 8 paragraph (B), the resources needed for the
 9 inclusion of such family caregivers in the
 10 Program, and such changes to the Program
 11 as the Secretary considers necessary to en-
 12 sure the successful expansion of the Program
 13 to include such family caregivers.

14 (B) *VETERANS DESCRIBED.*—Veterans de-
 15 scribed in this subparagraph are veterans who
 16 are eligible for the Program under clause (ii) or
 17 (iii) of section 1720G(a)(2)(B) of title 38, United
 18 States Code, as amended by section 451(a)(1) of
 19 this Act, solely due to a serious injury (including
 20 traumatic brain injury, psychological trauma, or
 21 other mental disorder) incurred or aggravated in
 22 the line of duty in the active military, naval, or
 23 air service before September 11, 2001.

24 (2) *NOTIFICATION BY COMPTROLLER GENERAL.*—

25 The Comptroller General shall review the report sub-

mitted under paragraph (1) and notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives with respect to the progress of the Secretary in—

(A) fully implementing the system required under subsection (a); and

(B) implementing a process for using such system to monitor and assess the Program under subsection (c)(1) and modify the Program as considered necessary under subsection (c)(2).

(3) *FINAL REPORT.*—

(A) *IN GENERAL.*—Not later than December 31, 2017, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the implementation of subsections (a) through (c).

(B) *ELEMENTS.*—The report required by subparagraph (A) shall include the following:

(i) A certification by the Secretary with respect to whether the information technology system described in subsection (a) has been implemented.

1 (ii) *A description of how the Secretary*
 2 *has implemented such system.*

3 (iii) *A description of the modifications*
 4 *to the Program, if any, that were identified*
 5 *and implemented under subsection (c)(2).*

6 (iv) *A description of how the Secretary*
 7 *is using such system to monitor the work-*
 8 *load of the Program.*

9 (e) *DEFINITIONS.—In this section:*

10 (1) *ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—*
 11 *The term “active military, naval, or air service” has*
 12 *the meaning given that term in section 101 of title*
 13 *38, United States Code.*

14 (2) *PROGRAM.—The term “Program” means the*
 15 *program of comprehensive assistance for family care-*
 16 *givers under section 1720G(a) of title 38, United*
 17 *States Code, as amended by section 451 of this Act.*

18 **SEC. 453. MODIFICATIONS TO ANNUAL EVALUATION RE-**
 19 **PORT ON CAREGIVER PROGRAM OF DEPART-**
 20 **MENT OF VETERANS AFFAIRS.**

21 (a) *BARRIERS TO CARE AND SERVICES.—Subpara-*
 22 *graph (A)(iv) of section 101(c)(2) of the Caregivers and Vet-*
 23 *erans Omnibus Health Services Act of 2010 (Public Law*
 24 *111–163; 38 U.S.C. 1720G note) is amended by inserting*
 25 *“, including a description of any barriers to accessing and*

1 *receiving care and services under such programs” before the*
 2 *semicolon.*

3 *(b) SUFFICIENCY OF TRAINING FOR FAMILY CARE-*
 4 *GIVER PROGRAM.—Subparagraph (B) of such section is*
 5 *amended—*

6 *(1) in clause (i), by striking “; and” and insert-*
 7 *ing a semicolon;*

8 *(2) in clause (ii), by striking the period at the*
 9 *end and inserting “; and”; and*

10 *(3) by adding at the end the following new*
 11 *clause:*

12 *“(iii) an evaluation of the sufficiency*
 13 *and consistency of the training provided to*
 14 *family caregivers under such program in*
 15 *preparing family caregivers to provide care*
 16 *to veterans under such program.”.*

17 **SEC. 454. ADVISORY COMMITTEE ON CAREGIVER POLICY.**

18 *(a) ESTABLISHMENT.—There is established in the De-*
 19 *partment of Veterans Affairs an advisory committee on*
 20 *policies relating to caregivers of veterans (in this section*
 21 *referred to as the “Committee”).*

22 *(b) COMPOSITION.—The Committee shall be composed*
 23 *of the following:*

24 *(1) A chair selected by the Secretary of Veterans*
 25 *Affairs.*

1 (2) *A representative from each of the following*
 2 *agencies or organizations selected by the head of such*
 3 *agency or organization:*

4 (A) *The Department of Veterans Affairs.*

5 (B) *The Department of Defense.*

6 (C) *The Department of Health and Human*
 7 *Services.*

8 (D) *The Department of Labor.*

9 (E) *The Centers for Medicare and Medicaid*
 10 *Services.*

11 (3) *Not less than seven individuals who are not*
 12 *employees of the Federal Government selected by the*
 13 *Secretary from among the following individuals:*

14 (A) *Academic experts in fields relating to*
 15 *caregivers.*

16 (B) *Clinicians.*

17 (C) *Caregivers.*

18 (D) *Individuals in receipt of caregiver serv-*
 19 *ices.*

20 (E) *Such other individuals with expertise*
 21 *that is relevant to the duties of the Committee as*
 22 *the Secretary considers appropriate.*

23 (c) *DUTIES.—The duties of the Committee are as fol-*
 24 *lows:*

1 (1) *To regularly review and recommend policies*
 2 *of the Department of Veterans Affairs relating to*
 3 *caregivers of veterans.*

4 (2) *To examine and advise the implementation*
 5 *of such policies.*

6 (3) *To evaluate the effectiveness of such policies.*

7 (4) *To recommend standards of care for care-*
 8 *giver services and respite care services provided to a*
 9 *caregiver or veteran by a non-profit or private sector*
 10 *entity.*

11 (5) *To develop recommendations for legislative or*
 12 *administrative action to enhance the provision of*
 13 *services to caregivers and veterans, including elimi-*
 14 *nating gaps in such services and eliminating dispari-*
 15 *ties in eligibility for such services.*

16 (6) *To make recommendations on coordination*
 17 *with State and local agencies and relevant non-profit*
 18 *organizations on maximizing the use and effectiveness*
 19 *of resources for caregivers of veterans.*

20 (d) *REPORTS.—*

21 (1) *ANNUAL REPORT TO SECRETARY.—*

22 (A) *IN GENERAL.—Not later than December*
 23 *31, 2016, and not less frequently than annually*
 24 *thereafter until the termination date specified in*
 25 *subsection (e), the chair of the Committee shall*

1 *submit to the Secretary a report on policies and*
2 *services of the Department of Veterans Affairs re-*
3 *lating to caregivers of veterans.*

4 *(B) ELEMENTS.—Each report required by*
5 *subparagraph (A) shall include the following:*

6 *(i) An assessment of the policies of the*
7 *Department relating to caregivers of vet-*
8 *erans and services provided pursuant to*
9 *such policies as of the date of submittal of*
10 *the report.*

11 *(ii) A description of any recommenda-*
12 *tions made by the Committee to improve the*
13 *coordination of services for caregivers of vet-*
14 *erans between the Department and the enti-*
15 *ties specified in subparagraphs (B) through*
16 *(E) of subsection (b)(2) and to eliminate*
17 *barriers to the effective use of such services,*
18 *including with respect to eligibility criteria.*

19 *(iii) An evaluation of the effectiveness*
20 *of the Department in providing services for*
21 *caregivers of veterans.*

22 *(iv) An evaluation of the quality and*
23 *sufficiency of services for caregivers of vet-*
24 *erans available from non-governmental or-*
25 *ganizations.*

1 (v) *A description of any gaps identi-*
 2 *fied by the Committee in care or services*
 3 *provided by caregivers to veterans and rec-*
 4 *ommendations for legislative or administra-*
 5 *tive action to address such gaps.*

6 (vi) *Such other matters or rec-*
 7 *ommendations as the chair considers appro-*
 8 *priate.*

9 (2) *TRANSMITTAL TO CONGRESS.*—*Not later than*
 10 *90 days after the receipt of a report under paragraph*
 11 *(1), the Secretary shall transmit to the Committee on*
 12 *Veterans' Affairs of the Senate and the Committee on*
 13 *Veterans' Affairs of the House of Representatives a*
 14 *copy of such report, together with such comments and*
 15 *recommendations concerning such report as the Sec-*
 16 *retary considers appropriate.*

17 (e) *TERMINATION.*—*The Committee shall terminate on*
 18 *December 31, 2021.*

19 **SEC. 455. COMPREHENSIVE STUDY ON SERIOUSLY INJURED**
 20 **VETERANS AND THEIR CAREGIVERS.**

21 (a) *STUDY REQUIRED.*—*During the period specified in*
 22 *subsection (d), the Secretary of Veterans Affairs shall pro-*
 23 *vide for the conduct by an independent entity of a com-*
 24 *prehensive study on the following:*

1 (1) *Veterans who have incurred a serious injury*
 2 *or illness, including a mental health injury or illness.*

3 (2) *Individuals who are acting as caregivers for*
 4 *veterans.*

5 (b) *ELEMENTS.—The comprehensive study required by*
 6 *subsection (a) shall include the following with respect to*
 7 *each veteran included in such study:*

8 (1) *The health of the veteran and, if applicable,*
 9 *the impact of the caregiver of such veteran on the*
 10 *health of such veteran.*

11 (2) *The employment status of the veteran and, if*
 12 *applicable, the impact of the caregiver of such veteran*
 13 *on the employment status of such veteran.*

14 (3) *The financial status and needs of the veteran.*

15 (4) *The use by the veteran of benefits available*
 16 *to such veteran from the Department of Veterans Af-*
 17 *fairs.*

18 (5) *Such other information as the Secretary con-*
 19 *siders appropriate.*

20 (c) *CONTRACT.—The Secretary shall enter into a con-*
 21 *tract with an appropriate independent entity to conduct*
 22 *the study required by subsection (a).*

23 (d) *PERIOD SPECIFIED.—The period specified in this*
 24 *subsection is the one-year period beginning on the date that*
 25 *is four years after the date specified in section*

1 1720G(a)(2)(B)(i) of title 38, United States Code, as
 2 amended by section 451(a)(1) of this Act.

3 (e) *REPORT*.—Not later than 30 days after the end of
 4 the period specified in subsection (d), the Secretary shall
 5 submit to the Committee on Veterans' Affairs of the Senate
 6 and the Committee on Veterans' Affairs of the House of Rep-
 7 resentatives a report on the results of the study required
 8 by subsection (a).

9 **Subtitle F—Health Care** 10 **Agreements**

11 **SEC. 461. AUTHORIZATION OF AGREEMENTS BETWEEN THE** 12 **DEPARTMENT OF VETERANS AFFAIRS AND** 13 **NON-DEPARTMENT EXTENDED CARE PRO-** 14 **VIDERS.**

15 (a) *IN GENERAL*.—Subchapter I of chapter 17 of title
 16 38, United States Code, is amended by adding after section
 17 1703 the following new section:

18 **“§ 1703A. Veterans Extended Care Agreements with** 19 **certain health care providers**

20 “(a) *AGREEMENTS TO FURNISH EXTENDED CARE*.—
 21 (1) In addition to the authority of the Secretary under this
 22 chapter to furnish extended care at facilities of the Depart-
 23 ment and under contracts or sharing agreements entered
 24 into under authorities other than this section, the Secretary
 25 may furnish extended care through the use of agreements

1 *entered into under this section. An agreement entered into*
 2 *under this section may be referred to as a ‘Veterans Ex-*
 3 *tended Care Agreement’.*

4 “(2) *The Secretary may enter into agreements to fur-*
 5 *nish extended care under this section with eligible providers*
 6 *that are certified under subsection (d) if the Secretary is*
 7 *not feasibly able to furnish extended care at facilities of the*
 8 *Department.*

9 “(3) *An eligible provider, at its discretion, may opt*
 10 *to enter into an agreement under this section instead of a*
 11 *contract or sharing agreement under authorities other than*
 12 *this section.*

13 “(b) *RECEIPT OF EXTENDED CARE.—(1) Eligibility of*
 14 *a veteran for extended care under this section shall be deter-*
 15 *mined as if such care were furnished in a facility of the*
 16 *Department and provisions of this title applicable to vet-*
 17 *erans receiving extended care in a facility of the Depart-*
 18 *ment shall apply to veterans receiving such care under this*
 19 *section.*

20 “(2) *In carrying out this section, the Secretary—*

21 “(A) *may not direct veterans seeking extended*
 22 *care to health care providers that have entered into*
 23 *contracts or sharing agreements under authorities*
 24 *other than this section; and*

1 “(B) shall ensure that veterans have the option
 2 to determine whether to receive extended care from a
 3 health care provider described in subparagraph (A) or
 4 an eligible provider that has entered into an agree-
 5 ment under this section.

6 “(c) *ELIGIBLE PROVIDERS.*—For purposes of this sec-
 7 tion, an eligible provider is one of the following:

8 “(1) A provider of services that has enrolled and
 9 entered into a provider agreement under section
 10 1866(a) of the Social Security Act (42 U.S.C.
 11 1395cc(a)).

12 “(2) A physician or supplier that has enrolled
 13 and entered into a participation agreement under sec-
 14 tion 1842(h) of such Act (42 U.S.C. 1395u(h)).

15 “(3) A provider of items and services receiving
 16 payment under a State plan under title XIX of such
 17 Act (42 U.S.C. 1396 et seq.) or a waiver of such a
 18 plan.

19 “(4) A provider that is—

20 “(A) an Aging and Disability Resource
 21 Center, an area agency on aging, or a State
 22 agency (as defined in section 102 of the Older
 23 Americans Act of 1965 (42 U.S.C. 3002)); or

1 “(B) a center for independent living (as de-
 2 fined in section 702 of the Rehabilitation Act of
 3 1973 (29 U.S.C. 796a)).

4 “(5) Such other health care providers as the Sec-
 5 retary considers appropriate for purposes of this sec-
 6 tion.

7 “(d) CERTIFICATION OF ELIGIBLE PROVIDERS.—(1)
 8 The Secretary shall establish a process for the certification
 9 of eligible providers under this section that shall, at a min-
 10 imum, set forth the following.

11 “(A) Procedures for the submittal of applications
 12 for certification and deadlines for actions taken by
 13 the Secretary with respect to such applications.

14 “(B) Standards and procedures for approval and
 15 denial of certification, duration of certification, rev-
 16 ocation of certification, and recertification.

17 “(C) Procedures for assessing eligible providers
 18 based on the risk of fraud, waste, and abuse of such
 19 providers similar to the level of screening under sec-
 20 tion 1866(j)(2)(B) of the Social Security Act (42
 21 U.S.C. 1395cc(j)(2)(B)) and the standards set forth
 22 under section 9.104 of title 48, Code of Federal Regu-
 23 lations, or any successor regulation.

1 “(2) *The Secretary shall deny or revoke certification*
 2 *to an eligible provider under this subsection if the Secretary*
 3 *determines that the eligible provider is currently—*

4 “(A) *excluded from participation in a Federal*
 5 *health care program (as defined in section 1128B(f)*
 6 *of the Social Security Act (42 U.S.C. 1320a–7b(f))*
 7 *under section 1128 or 1128A of the Social Security*
 8 *Act (42 U.S.C. 1320a–7 and 1320a–7a); or*

9 “(B) *identified as an excluded source on the list*
 10 *maintained in the System for Award Management, or*
 11 *any successor system.*

12 “(e) *TERMS OF AGREEMENTS.—Each agreement en-*
 13 *tered into with an eligible provider under this section shall*
 14 *include provisions requiring the eligible provider to do the*
 15 *following:*

16 “(1) *To accept payment for extended care fur-*
 17 *nished under this section at rates established by the*
 18 *Secretary for purposes of this section, which shall be,*
 19 *to the extent practicable, the rates paid by the United*
 20 *States for such care to providers of services and sup-*
 21 *pliers under the Medicare program under title XVIII*
 22 *of the Social Security Act (42 U.S.C. 1395 et seq.).*

23 “(2) *To accept payment under paragraph (1) as*
 24 *payment in full for extended care furnished under*

1 *this section and to not seek any payment for such*
 2 *care from the recipient of such care.*

3 *“(3) To furnish under this section only the ex-*
 4 *tended care authorized by the Department under this*
 5 *section unless the eligible provider receives prior writ-*
 6 *ten consent from the Department to furnish extended*
 7 *care outside the scope of such authorization.*

8 *“(4) To bill the Department for extended care*
 9 *furnished under this section in accordance with a*
 10 *methodology established by the Secretary for purposes*
 11 *of this section.*

12 *“(5) Not to seek to recover or collect from a*
 13 *health-plan contract or third party, as those terms*
 14 *are defined in section 1729 of this title, for any ex-*
 15 *tended care for which payment is made by the De-*
 16 *partment under this section.*

17 *“(6) To provide medical records for veterans fur-*
 18 *nished extended care under this section to the Depart-*
 19 *ment in a time frame and format specified by the*
 20 *Secretary for purposes of this section.*

21 *“(7) To meet such other terms and conditions,*
 22 *including quality of care assurance standards, as the*
 23 *Secretary may specify for purposes of this section.*

24 *“(f) TERMINATION OF AGREEMENTS.—(1) An eligible*
 25 *provider may terminate an agreement with the Secretary*

1 *under this section at such time and upon such notice to*
 2 *the Secretary as the Secretary may specify for purposes of*
 3 *this section.*

4 “(2) *The Secretary may terminate an agreement with*
 5 *an eligible provider under this section at such time and*
 6 *upon such notice to the eligible provider as the Secretary*
 7 *may specify for purposes of this section, if the Secretary—*

8 “(A) *determines that the eligible provider failed*
 9 *to comply substantially with the provisions of the*
 10 *agreement or with the provisions of this section and*
 11 *the regulations prescribed thereunder;*

12 “(B) *determines that the eligible provider is—*

13 “(i) *excluded from participation in a Fed-*
 14 *eral health care program (as defined in section*
 15 *1128B(f) of the Social Security Act (42 U.S.C.*
 16 *1320a-7b(f))) under section 1128 or 1128A of the*
 17 *Social Security Act (42 U.S.C. 1320a-7 and*
 18 *1320a-7a); or*

19 “(ii) *identified as an excluded source on the*
 20 *list maintained in the System for Award Man-*
 21 *agement, or any successor system;*

22 “(C) *ascertains that the eligible provider has*
 23 *been convicted of a felony or other serious offense*
 24 *under Federal or State law and determines that the*
 25 *continued participation of the eligible provider would*

1 *be detrimental to the best interests of veterans or the*
2 *Department; or*

3 *“(D) determines that it is reasonable to termi-*
4 *nate the agreement based on the health care needs of*
5 *a veteran or veterans.*

6 *“(g) PERIODIC REVIEW OF CERTAIN AGREEMENTS.—*
7 *(1) Not less frequently than once every two years, the Sec-*
8 *retary shall review each Veterans Extended Care Agreement*
9 *of material size entered into during the two-year period pre-*
10 *ceding the review to determine whether it is feasible and*
11 *advisable to furnish the extended care furnished under such*
12 *agreement at facilities of the Department or through con-*
13 *tracts or sharing agreements entered into under authorities*
14 *other than this section.*

15 *“(2)(A) Subject to subparagraph (B), a Veterans Ex-*
16 *tended Care Agreement is of material size as determined*
17 *by the Secretary for purposes of this section.*

18 *“(B) A Veterans Extended Care Agreement entered*
19 *into after September 30, 2016, is of material size if the pur-*
20 *chase of extended care under the agreement exceeds*
21 *\$1,000,000 annually. The Secretary may adjust such*
22 *amount to account for changes in the cost of health care*
23 *based upon recognized health care market surveys and other*
24 *available data and shall publish any such adjustments in*
25 *the Federal Register.*

1 “(h) *EXCLUSION OF CERTAIN FEDERAL CONTRACTING*
 2 *PROVISIONS.*—(1) *An agreement under this section may be*
 3 *entered into without regard to any law that would require*
 4 *the Secretary to use competitive procedures in selecting the*
 5 *party with which to enter into the agreement.*

6 “(2)(A) *Except as provided in subparagraph (B) and*
 7 *unless otherwise provided in this section or regulations pre-*
 8 *scribed pursuant to this section, an eligible provider that*
 9 *enters into an agreement under this section is not subject*
 10 *to, in the carrying out of the agreement, any law that pro-*
 11 *viders of services and suppliers under the Medicare program*
 12 *under title XVIII of the Social Security Act (42 U.S.C.*
 13 *1395 et seq.) are not subject to.*

14 “(B) *Notwithstanding subparagraph (A), an eligible*
 15 *provider that enters into an agreement under this section*
 16 *shall be subject to all laws regarding integrity, ethics, fraud,*
 17 *or that subject a person to civil or criminal penalties as*
 18 *if such laws were incorporated into its provider agreements.*

19 “(i) *QUALITY OF CARE.*—*The Secretary shall establish*
 20 *through regulation a system or systems for—*

21 “(1) *monitoring the quality of extended care fur-*
 22 *nished to veterans under this section; and*

23 “(2) *assessing the quality of extended care fur-*
 24 *nished by an eligible provider under this section prior*

1 to the renewal of a Veterans Extended Care Agree-
2 ment with the eligible provider.

3 “(j) *DISPUTE RESOLUTION.*—(1) *The Secretary shall*
4 *establish administrative procedures for eligible providers*
5 *with which the Secretary has entered an agreement under*
6 *this section to present any dispute arising under or related*
7 *to the agreement.*

8 “(2) *Before using any dispute resolution mechanism*
9 *under chapter 71 of title 41 with respect to a dispute aris-*
10 *ing under an agreement under this section, an eligible pro-*
11 *vider must first exhaust the administrative procedures es-*
12 *tablished by the Secretary under paragraph (1).*

13 “(k) *SUNSET.*—*The Secretary may not furnish ex-*
14 *tended care through the use of an agreement entered into*
15 *under this section after the date that is two years after the*
16 *date of the enactment of the Jason Simcakoski Memorial*
17 *Act.”.*

18 “(b) *REGULATIONS.*—*The Secretary of Veterans Affairs*
19 *shall prescribe an interim final rule to carry out section*
20 *1703A of such title, as added by subsection (a), not later*
21 *than one year after the date of the enactment of this Act.*

22 “(c) *CLERICAL AMENDMENT.*—*The table of sections at*
23 *the beginning of chapter 17 of such title is amended by in-*
24 *serting after the item related to section 1703 the following*
25 *new item:*

“1703A. *Veterans Extended Care Agreements with certain health care providers.*”.

1 **SEC. 462. MODIFICATION OF AUTHORITY TO ENTER INTO**
 2 **AGREEMENTS WITH STATE HOMES TO PRO-**
 3 **VIDE NURSING HOME CARE.**

4 (a) *USE OF AGREEMENTS.*—

5 (1) *IN GENERAL.*—Paragraph (1) of section
 6 1745(a) of title 38, United States Code, is amended,
 7 in the matter preceding subparagraph (A), by strik-
 8 ing “a contract (or agreement under section
 9 1720(c)(1) of this title)” and inserting “an agree-
 10 ment”.

11 (2) *PAYMENT.*—Paragraph (2) of such section is
 12 amended by striking “contract (or agreement)” each
 13 place it appears and inserting “agreement”.

14 (b) *EXCLUSION OF CERTAIN FEDERAL CONTRACTING*
 15 *PROVISIONS.*—Such section is amended by adding at the
 16 end the following new paragraphs:

17 “(4)(A) An agreement under paragraph (1) may be en-
 18 tered into without regard to any law that would require
 19 the Secretary to use competitive procedures in selecting the
 20 party with which to enter into the agreement.

21 “(B)(i) Except as provided in clause (ii) and unless
 22 otherwise provided in this section or regulations prescribed
 23 pursuant to this section, a State home that enters into an
 24 agreement under paragraph (1) is not subject to, in the car-
 25 rying out of the agreement, any law that a provider de-
 26 scribed in subparagraph (C) is not subject to under the

1 *original Medicare fee-for-service program under parts A*
 2 *and B of title XVIII of the Social Security Act (42 U.S.C.*
 3 *1395 et seq.) or the Medicaid program under title XIX of*
 4 *such Act (42 U.S.C. 1396 et seq.).*

5 “(ii) *Notwithstanding clause (i), a State home that en-*
 6 *ters into an agreement under paragraph (1) shall be subject*
 7 *to all laws regarding integrity, ethics, fraud, or that subject*
 8 *a person to civil or criminal penalties as if such laws were*
 9 *incorporated into its provider agreements.*

10 “(C) *A provider described in this subparagraph is one*
 11 *of the following:*

12 “(i) *A provider of services that has enrolled and*
 13 *entered into a provider agreement under section*
 14 *1866(a) of the Social Security Act (42 U.S.C.*
 15 *1395cc(a)).*

16 “(ii) *A physician or supplier that has enrolled*
 17 *and entered into a participation agreement under sec-*
 18 *tion 1842(h) of such Act (42 U.S.C. 1395u(h)).*

19 “(iii) *A provider of items and services receiving*
 20 *payment under a State plan under title XIX of such*
 21 *Act (42 U.S.C. 1396 et seq.) or a waiver of such a*
 22 *plan.*

23 “(5) *The Secretary may not furnish nursing home care*
 24 *under an agreement entered into under paragraph (1) after*

1 *the date that is two years after the date of the enactment*
 2 *of the Jason Simcakoski Memorial Act.”.*

3 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 4 *section shall apply to agreements entered into under section*
 5 *1745(a) of such title on and after the date that is 30 days*
 6 *after the date of the enactment of this Act.*

7 ***TITLE V—OTHER MATTERS***

8 ***SEC. 501. EXTENSION OF TEMPORARY INCREASE IN NUM-*** 9 ***BER OF JUDGES ON UNITED STATES COURT*** 10 ***OF APPEALS FOR VETERANS CLAIMS.***

11 (a) *IN GENERAL.*—*Subsection (i)(2) of section 7253 of*
 12 *title 38, United States Code, is amended by striking “Janu-*
 13 *ary 1, 2013” and inserting “January 1, 2021”.*

14 (b) *REPORT.*—

15 (1) *IN GENERAL.*—*Not later than June 30, 2020,*
 16 *the chief judge of the United States Court of Appeals*
 17 *for Veterans Claims shall submit to the Committee on*
 18 *Veterans’ Affairs of the Senate and the Committee on*
 19 *Veterans’ Affairs of the House of Representatives a re-*
 20 *port on the temporary expansions of the Court under*
 21 *section 7253 of title 38, United States Code.*

22 (2) *CONTENTS.*—*The report required by para-*
 23 *graph (1) shall include the following:*

1 (A) *An assessment of the effect of the expan-*
 2 *sions on ensuring appeals are handled in a time-*
 3 *ly manner.*

4 (B) *A description of the ways in which the*
 5 *complexity levels of the appeals acted on by the*
 6 *Court may have changed based on service during*
 7 *recent conflicts compared to those based on serv-*
 8 *ice from previous eras.*

9 (C) *A recommendation on whether the num-*
 10 *ber of judges should be adjusted at the end of the*
 11 *temporary expansion period, including statistics,*
 12 *projections, trend analyses, and other informa-*
 13 *tion to support the recommendation.*

14 **SEC. 502. REPEAL INAPPLICABILITY OF MODIFICATION OF**
 15 **BASIC ALLOWANCE FOR HOUSING TO BENE-**
 16 **FITS UNDER LAWS ADMINISTERED BY SEC-**
 17 **RETARY OF VETERANS AFFAIRS.**

18 (a) *REPEAL.*—*Subsection (b) of section 604 of the Carl*
 19 *Levin and Howard P. “Buck” McKeon National Defense*
 20 *Authorization Act for Fiscal Year 2015 (Public Law 113–*
 21 *291; 37 U.S.C. 403 note) is repealed.*

22 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 23 *section (a) shall take effect on January 1, 2016.*

1 **SEC. 503. DEPARTMENT OF VETERANS AFFAIRS PROGRAM**
 2 **OF INTERNAL AUDITS.**

3 (a) *IN GENERAL.*—Subchapter II of chapter 5 of title
 4 38, United States Code, is amended by inserting after sec-
 5 tion 527 the following new section:

6 **“§ 527A. Program of internal audits**

7 “(a) *PROGRAM REQUIRED.*—(1) *The Secretary shall*
 8 *carry out a program of internal audits and self-analysis*
 9 *to improve the furnishing of benefits and health care to vet-*
 10 *erans and their families.*

11 “(2) *The Secretary shall carry out the program re-*
 12 *quired by paragraph (1) through an office the Secretary*
 13 *shall establish for purposes of the program within the office*
 14 *of the Secretary that is interdisciplinary and independent*
 15 *of—*

16 “(A) *the other offices within the office of the Sec-*
 17 *retary; and*

18 “(B) *the covered administrations (or functions of*
 19 *such administrations), staff organizations, and staff*
 20 *offices identified under subsection (b)(1)(A).*

21 “(b) *PROGRAM REQUIREMENTS.*—(1) *In carrying out*
 22 *the program required by subsection (a), the Secretary*
 23 *shall—*

24 “(A) *conduct periodic risk assessments of the De-*
 25 *partment to identify those covered administrations*
 26 *(or functions of such administrations), staff organiza-*

1 *tions, and staff offices of the Department the audit of*
2 *which would lead towards the greatest improvement*
3 *in the furnishing of benefits and health care to vet-*
4 *erans and their families;*

5 *“(B) develop plans that are informed by the risk*
6 *assessments conducted under paragraph (1) to con-*
7 *duct internal audits of the covered administrations*
8 *(or functions of such administrations), staff organiza-*
9 *tions, and staff offices identified under subparagraph*
10 *(A); and*

11 *“(C) conduct internal audits in accordance with*
12 *the plans developed pursuant to subparagraph (B).*

13 *“(2) The Secretary shall carry out under the program*
14 *required by subsection (a) an audit of not fewer than five*
15 *covered administrations (or functions of such administra-*
16 *tions), staff organizations, or staff offices of the Department*
17 *each year.*

18 *“(3) In identifying covered administrations (or func-*
19 *tions of such administrations), staff organizations, and staff*
20 *offices of the Department under paragraph (1)(A), the Sec-*
21 *retary shall accord priority to the covered administrations*
22 *and functions of such administrations.*

23 *“(4)(A) For purposes of this subsection, the covered ad-*
24 *ministrations of the Department are the following:*

25 *“(i) The National Cemetery Administration.*

1 “(ii) *The Veterans Benefits Administration.*

2 “(iii) *The Veterans Health Administration.*

3 “(B) *For purposes this subsection, the covered staff or-*
4 *ganizations of the Department are the following:*

5 “(i) *The Office of Acquisition, Logistics, and*
6 *Construction.*

7 “(ii) *The Advisory Committee Management Of-*
8 *fice.*

9 “(iii) *The Board of Veterans’ Appeals.*

10 “(iv) *The Center for Faith-Based and Neighbor-*
11 *hood Partnerships.*

12 “(v) *The Center for Minority Veterans.*

13 “(vi) *The Center for Women Veterans.*

14 “(vii) *The Office of General Counsel.*

15 “(viii) *The Office of Regulation Policy and Man-*
16 *agement.*

17 “(ix) *The Office of Employment Discrimination*
18 *Complaint Adjudication.*

19 “(x) *The Office of Interagency Care and Benefits*
20 *Coordination.*

21 “(xi) *The Office of Small and Disadvantaged*
22 *Business Utilization.*

23 “(xii) *The Office of Survivors Assistance.*

24 “(xiii) *The Veterans’ Service Organizations Li-*
25 *aision.*

1 “(C) *For purposes of this subsection, the covered staff*
 2 *offices of the Department are the following:*

3 “(i) *The office of the Assistant Secretary for Con-*
 4 *gressional and Legislative Affairs.*

5 “(ii) *The office of the Assistant Secretary for*
 6 *Human Resources and Administration.*

7 “(iii) *The office of the Assistant Secretary for In-*
 8 *formation and Technology.*

9 “(iv) *The Office of Management.*

10 “(v) *The office of the Assistant Secretary for Op-*
 11 *erations, Security, and Preparedness.*

12 “(vi) *The office of the Assistant Secretary for*
 13 *Policy and Planning.*

14 “(vii) *The office of the Assistant Secretary for*
 15 *Public and Intergovernmental Affairs.*

16 “(c) *REPORTS.—(1)(A) Not later than 90 days after*
 17 *completing an audit under the program required by sub-*
 18 *section (a), the Secretary shall submit to the appropriate*
 19 *committees of Congress a report on the audit.*

20 “(B) *Each report submitted under subparagraph (A)*
 21 *with respect to an audit shall include the following:*

22 “(i) *A summary of the audit.*

23 “(ii) *The findings of the Secretary with respect*
 24 *to the audit.*

1 “(iii) Such recommendations as the Secretary
2 may have for legislative or administrative action to
3 improve the furnishing of benefits and health care to
4 veterans and their families.

5 “(iv) Plans to carry out the recommendations
6 submitted under clause (iii), including timelines for
7 completion of such plans.

8 “(2)(A) Not later than September 1 of each year, the
9 Secretary shall submit to the appropriate committees of
10 Congress a report on the administration of this section.

11 “(B) Each report submitted under subparagraph (A)
12 shall include the following:

13 “(i) A detailed description of each matter for
14 which a recommendation was submitted under clause
15 (iii) of paragraph (1)(B) and with respect to which
16 plans that were submitted under clause (iv) of such
17 paragraph have not been completed.

18 “(ii) A plan for the conduct of audits under this
19 section during the first fiscal year beginning after the
20 fiscal year in which the report is submitted, which
21 shall include the following:

22 “(I) A description of any risk assessments
23 the Secretary plans to conduct in such fiscal
24 year.

1 “(II) A summary of each audit the Sec-
 2 retary plans to conduct in such fiscal year, in-
 3 cluding a description of the subject matter of the
 4 audit and identification of the administration,
 5 office, or function to be audited.

6 “(3) In this subsection, the term ‘appropriate commit-
 7 tees of Congress’ includes—

8 “(A) the Committee on Veterans’ Affairs, the
 9 Committee on Appropriations, and the Committee on
 10 Homeland Security and Governmental Affairs of the
 11 Senate; and

12 “(B) the Committee on Veterans’ Affairs, the
 13 Committee on Appropriations, and the Committee on
 14 Oversight and Government Reform of the House of
 15 Representatives.”.

16 (b) *FIRST RISK ASSESSMENT.*—The Secretary of Vet-
 17 erans Affairs shall complete the first risk assessment re-
 18 quired by section 527A(b)(1)(A) of such title, as added by
 19 subsection (a), by not later than 180 days after the date
 20 of the enactment of this Act.

21 (c) *CLERICAL AMENDMENT.*—The table of sections at
 22 the beginning of chapter 5 of such title is amended by in-
 23 serting after the item relating to section 527 the following
 24 new item:

“527A. Program of internal audits.”.

1 **SEC. 504. IMPROVEMENT OF TRAINING FOR MANAGERS.**

2 *The Secretary of Veterans Affairs shall provide to each*
 3 *employee of the Department of Veterans Affairs who is em-*
 4 *ployed by the Department in a managerial position peri-*
 5 *odic training on the following:*

6 *(1) The rights of whistleblowers and how to ad-*
 7 *dress a report by an employee of a hostile work envi-*
 8 *ronment, reprisal, or harassment.*

9 *(2) How to effectively motivate, manage, and re-*
 10 *ward the employees who report to the manager.*

11 *(3) How to effectively manage employees who are*
 12 *performing at an unacceptable level and access assist-*
 13 *ance from the human resources office of the Depart-*
 14 *ment and the Office of the General Counsel of the De-*
 15 *partment with respect to those employees.*

Amend the title so as to read: “A bill to amend title
 38, United States Code, to improve the benefits and
 health care provided by the Department of Veterans Af-
 fairs, and for other purposes.”.

Calendar No. 716

114TH CONGRESS
2D Session

S. 425

[Report No. 114-395]

A BILL

To amend title 38, United States Code, to provide for a five-year extension to the homeless veterans reintegration programs and to provide clarification regarding eligibility for services under such programs.

DECEMBER 7, 2016

Reported with an amendment and an amendment to the title